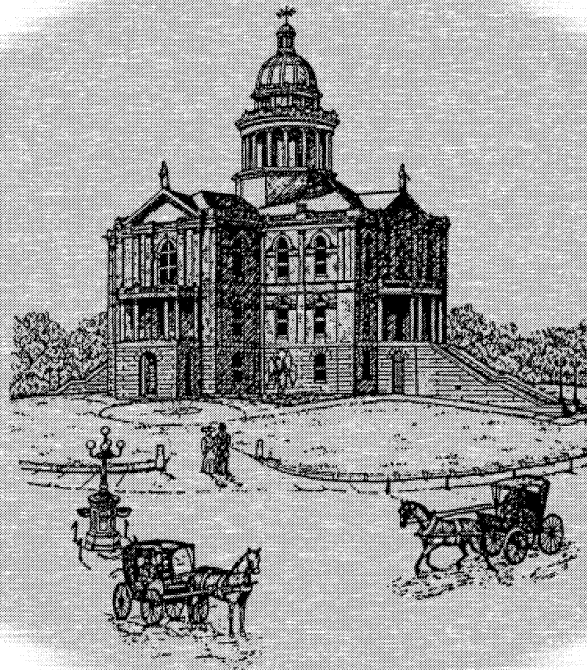


RESPONSES TO THE
2001 – 2002
FINAL REPORT
PLACER COUNTY



GRAND JURY

In Memoriam

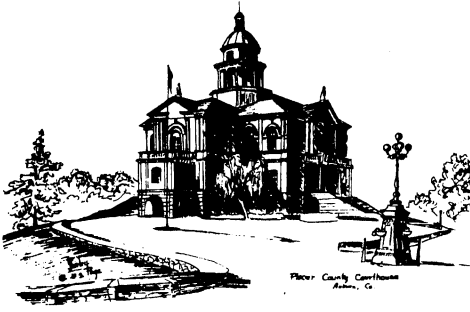
*D*uring the term of the 2001-2002 Grand Jury, Placer County marked its 150th anniversary and the Board of Supervisors began plans to dedicate a disease-resistant American Liberty Elm as a tribute to the victims of the September 11, 2001 terrorist invasion of our freedoms.

The tree will be planted on the grounds of the Placer Consolidated Fire Protection District, 11645 Atwood Road as part of a nation-wide memorial initiated by the Elm Research Institute. District 3 Supervisor Harriet White spearheaded the project locally.

The American Liberty Elm was named after "The Liberty Tree, Our Country's First Symbol of Freedom," which was the rallying point in Boston for the Sons of Liberty's pre-Revolutionary War protests.

In August 1775, as a last act of violence before leaving Boston, British soldiers cut the tree down because it bore the name "Liberty".

Liberty Tree Memorial planted in honor
of those who lost their lives in the tragic
events on September 11, 2001



PLACER COUNTY GRAND JURY

(530) 889-7469
Mailing Address:

FAX (530) 889-7447
11490 C Avenue, Auburn, CA 95603

April 2, 2003

Honorable Alan Pineschi
Honorable James Garbolino

Re: Responses to the Grand Jury Final Report of 2001/2002
to the Court:

Nine years ago the Grand Jury commenced the practice of publishing and distributing the responses to the Final Report. We believe the decision to print and publish the responses has had a continued beneficial effect. Responses have been more substantive and, with the distribution to all affected county offices and agencies, the public and private sector is better informed with respect to certain activities of local government.

The 2002/2003 Placer County Grand Jury has complied and published the responses received. These responses are from the county, city and special district agencies, which were cited to respond in the Final Report. Where a response was not received, this report so indicates.

Sincerely,

PLACER COUNTY GRAND JURY 2002/2003

By George H. Wichman
George H. Wichman, Foreman

Introduction

The Placer County Grand Jury Report 2001-2002 was published and distributed in June 2002. Copies may be found in all public libraries.

State law regarding responses to Grand Jury reports is spelled out in the California Penal Code, Section 993(c).

The government offices, agencies, and local entities cited in the Final Report for a Response, are required to respond to the Final Report within 60 days (elected officials who head county agencies) or 90 days (governing bodies of public agencies).

This book contains all of the Responses received as of March 6, 2003.

A Table of Contents is contained on the pages which follow. Each Respondent is listed with either the page number of their response or a *no response received* note.

TABLE OF CONTENTS

Auburn-Placer County Library System

(p. 8-11, 2001-2002 Final Report)

Respondent: Placer County Board of Supervisors.....	1
Respondent: Placer County Director of Library Services	5

Certificates of Participation

Certificates of Participation Report (p. 12-20, 2001-2002 Final Report).....	6
Respondent: Auburn City Manager.....	17

Colfax Elementary School District

Colfax Elementary School District Report (p. 23-32, Final Report).....	18
Respondent: Colfax Elementary School Board.....	23
Respondent: Superintendent, Colfax Elementary School...no response received	
Respondent: Placer County Superintendent of Schools.....	27

PEACE for Families

PEACE for Families Report (p. 37-38, 2001-2002 Final Report).....	30
Respondent: Placer County Facility Services Director.....	32
Respondent: Placer County Health and Human Services Director.....	33

Placer County Solid Waste Management

Placer County Solid Waste Report (p. 41-42, 2001-2002 Final Report).....	34
Respondent: Placer County Director of Facility Services	
Placer County Board of Supervisors	
Placer County Executive Officer	
Placer County Department of Facility Services	

Placer County Animal Shelter

(p. 43-45, 2001-2002 Final Report)

Respondent: Placer County Board of Supervisors	37
Placer County Executive Officer	
Respondent: Placer County Health and Human Services Director.....	41
Respondent: Placer County Department of Facility Services.....	43

Placer County Board of Supervisors, Complaint #2001B-14

(p. 47-48, 2001-2002 Final Report)

Respondent: Placer County Board of Supervisors	45
Placer County Executive Officer	
Placer County Public Information Office	

Placer County Board of Supervisors, Revenue Sharing

(p. 49-51, 2001-2002 Final Report)

Respondent: Placer County Board of Supervisors.....	48
---	----

Placer County Juvenile Detention Center

(p. 52-54, 2001-2002 Final Report)

Respondent: Placer County Board of Supervisors	53
Placer County Executive Officer	
Respondent: Placer County Department of Health and Human Services.....	57
Respondent: Placer County Juvenile Detention Center Director.....	59

Placer County Public Works Department

(p. 57-59, 2001-2002 Final Report)

Respondent: Placer County Executive Officer.....	61
Respondent: Placer County Public Works Director.....	65

Burton Creek (Tahoe) Sheriff's Substation, Court Facilities, and Jail

Burton Creek Final Report (p. 64-81, 2001-2002 Final Report).....68

Respondent: Placer County Board of Supervisors

Placer County Executive Officer

Placer County Department of Facility Services

Placer County Sheriff/Coroner

Respondent: North Tahoe Fire District Division Chief.....78

Respondent: Placer County Risk Management Division.....82

AUBURN – PLACER COUNTY LIBRARY SYSTEM

Background

The Auburn-Placer County Library was created 29 years ago with the dissolution of the Auburn City Library. At that time the Auburn Library donated 12,000 books to the new County Library system. At present, the system serves about 150,000 people, has a budget of 3.16 million dollars, and operates 11 branches. Eighty-two percent of the circulation is in Rocklin, Granite Bay, and Auburn. The Law Library, located in Auburn, is an additional branch and charges the Auburn Library a \$10,000 fee for its administration to the system. There is a total of 79 staff in the system and about 45% serve as full time employees.

The system is a unique special district with approximately 1% of the budget coming from property taxes and \$205,000 from the County's general fund. Current projects include the expansion of the children's library at the Tahoe City Branch, disabled access at Auburn, and the recent opening of a new branch in Meadow Vista.

The Grand Jury received verbal concerns from some employees regarding the operational policies and procedures of the Auburn-Placer County Library. After an investigation, which included visits to four of the 11 branches of the library system, the Committee met with the Director of Library Services. The Director addressed these concerns and explained the operational policies and procedures of the library. Visits to branch libraries brought to light some possible improvements.

Discussion

The committee found areas of concern with the Auburn-Placer County Library system. The Library does not have a system-wide procedure for security at branches with two or fewer employees. The employees of some of the branches have developed their own systems.

The second area of concern was the lack of a system-wide policy and procedure concerning monitoring of Internet access within the library branches. Staff was used, as available, for monitoring Internet access.

The third area of concern was the limited resources available to the Director of Library Services and her staff. A recently published article in the Auburn Journal stated, "Librarians banded together to take a low pay scale problem to the Placer County Civil Service Commission. County librarian salaries are the lowest of any professional classification in its system. Yet, the job requires a bachelor's degree for library assistants and a master's degree for librarians." The Placer-County Library has experienced extensive circulation growth in the last six years.

Budget for the libraries and their staffs should be increased, if feasible, in order to attract the best possible candidates for available positions. There should be a study to ascertain the salary ranges from other comparative library systems to insure that long-term employees are retained. Attached is a table showing the increase in library use, by branch, over the last six years. In these six years there has been 39% growth in circulation.

Finding 1

Evening security at branch libraries, particularly those libraries with two or fewer employees, is seriously lacking.

- ***The Board of Supervisors disagrees with the finding. Although the level of security may be improved within the Library system, current measures and safeguards implemented by the County Librarian are sufficient to ensure a reasonable level of safety.***

Recommendation 1

The library staff should provide a more institutionalized method for a security system. The staffs at the libraries we visited have implemented their own, albeit informal, systems for their own security.

- ***The recommendation has been implemented. As indicated in the attached response from the County Librarian, employees attend personal safety training classes, and protocols have been developed to deal with situations and individuals who may pose a safety threat. For example, evening work shifts include two or more employees and, on occasion, patrons may assist staff by observing individuals and maintaining their presence within the library as needed. The County Librarian is also in the process of reviewing other measures that may increase the level of safety for employees. These measures will be reviewed by the Risk Management Division and the County Executive Officer for comment and direction.***

Finding 2

The current procedure of relying on the staff to monitor Internet use is inadequate and time consuming for staff.

- ***The Board of Supervisors disagrees with the finding. Although it is possible to increase the level of efficiency in one or more functions of the library operation, it is also necessary to consider available resources and apply those resources to achieve the overall goals and***

mission of the Library in serving all its patrons. The Board of Supervisors agrees with the conclusion of the County Librarian that, given the size of the library system, its available resources, the level of use of the internet within each of the branches of the system, and the changing level of technology and the cost of this technology, the current system is adequate at the present time.

Recommendation 2

A more positive, pro-active system for the monitoring of minors' use of computers with Internet access should be implemented. Automated systems of monitoring computer time use are feasible to free the staff from these duties. Whenever possible adult computer use should be separate from the areas used by minors.

- ***The recommendation has been implemented. As indicated in the attached response from the County Librarian, the current system to monitor the use of the internet at the branches, including monitoring appropriate internet site visits, is adequate, pro-active, fair and effective for all users. Use of library computers for each patron is dependent upon the number of computers within each facility and the number of patrons requesting use at any given time. As a general policy, each patron is given at least 30 minutes of computer time each day. However, the actual time may vary (increase or decrease) from branch to branch. The staff monitors both the time allotment for each patron and appropriate internet site visits for both adults and minors. The County Librarian reports that the system, although manual, works well and is also accepted by patrons. She will also continue to research and investigate the possible use of automated systems that may be a feasible substitute for the current manual system. In the larger branches, the computer monitors are separated by location for adults and minors. However, the purpose of the separation is to ensure a fair balance of computer use, and is not just for the purpose of monitoring appropriate internet site visits.***

Finding 3

County librarian salaries are the lowest of any professional classification in its system.

- ***The Board of Supervisors disagrees with the finding. Although a study was conducted by the staff of the Library, the results and conclusions of this study have not yet been verified by the County Personnel Department.***

Recommendation 3

Placer County should look at the current pay scale of its library personnel to bring the employees in conformance with other professional classifications.

- *The recommendation has been implemented. The County Personnel Department is in the process of reviewing the level of compensation for the job classifications used for the professional staff of the County Library. This matter is also subject to the provisions of labor negotiation and agreement, and that process is also underway. The results and actions of the review by the Personnel Department will be completed by the end of December 2002.*

Commendation

The 2001-2002 Grand Jury was particularly impressed by the professionalism and dedication of the head librarian and her staff. They make good use of current resources.

Respondents

Placer County Board of Supervisors
Placer County Director of Library Services

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

Auburn-Placer County Library

MEMORANDUM

AUG 20 2002

DATE: August 9, 2002
TO: Honorable James D. Garbolino, Presiding Judge
FROM: Elaine Reed, Director of Library Services *Elaine Reed*
SUBJECT: Response to 2001-02 Placer County Grand Jury Final Report

Background. The Auburn Public Library and the Placer County Free Library merged to create the Auburn-Placer County Library in 1967. The system maintains libraries in Applegate, Auburn, Colfax, Foresthill, Granite Bay, Kings Beach, Loomis, Meadow Vista, Penryn, Rocklin, and Tahoe City, and serves rural county areas with a Bookmobile. The Cities of Roseville and Lincoln maintain city libraries that are independent of the County system. The County Library also administers the Placer County Law Library.

Finding 1. Evening security at branch libraries, particularly those libraries with two or fewer employees, is seriously lacking.

The Director of Library Services disagrees with the finding. While there is no way to provide assurance of complete safety, the Library has effective policies and procedures established to address library security issues.

Recommendation 1. The library staff should provide a more institutionalized method for a security system. The staffs at the libraries we visited have implemented their own, albeit informal, systems for their own security.

The recommendation has been implemented. Library employees are trained in dealing with emergencies and handling threatening situations. In addition, a minimum of two employees is scheduled for all evening shifts. To further enhance their security, staff will be provided with pepper spray within 30 days. Panic buttons connected to the Sheriff's station will be installed in the smaller libraries within 90 days.

Public libraries are open to everyone. Serving the public, in 2002, is not without some danger. The Library's eight smaller branches are staffed by one person much of the time. Staff must respond to all kinds of people

and situations, some of which are threatening and dangerous. If the circumstances of working alone in a small library make a staff member uncomfortable, they would be advised to transfer to a larger library.

Finding 2. The current procedure of relying on the staff to monitor Internet use is inadequate and time consuming for staff.

The Director of Library Services disagrees with the finding. Given the size of the Auburn-Placer County Library branches and the current state of technology, relying on staff to monitor computer use is the most efficient and effective method available.

Recommendation 2. A more positive, pro-active system for the monitoring of minors' use of computers with Internet access should be implemented. Automated systems of monitoring computer time use are feasible to free the staff from these duties. Whenever possible adult computer use should be separate from the areas used by minors.

Public access computers are a very popular library service. They are in constant use in the system's libraries. Staff take reservations, maintain appointment schedules, provide assistance to users, and troubleshoot problems. In very large libraries, new positions have been created whose sole function is to supervise computer use. However, in smaller libraries such as the Auburn-Placer County Library, these tasks have unavoidably become part of the staff's job duties.

Blocking software designed to block inappropriate sites doesn't block all the inappropriate sites and does block some legitimate sites. In small libraries such as the Auburn-Placer County Library, monitoring patron use of the computers takes minimal time and provides the most effective method to deter inappropriate use. To give parents control of their children's library Internet use, parents have the option of restricting their library card.

New automated equipment is being developed for some functions, such as scheduling. However, it has not been perfected and it is very expensive. The benefit does not justify the cost for small libraries at the present time. The Library's technology analyst will continue to watch the technology's development and cost. When it becomes cost effective, it will be purchased for the system.

The libraries in Auburn, Rocklin, Granite Bay, and Tahoe City are large enough to accommodate separate computer locations for adult and children's use. The remaining seven libraries are so small that all the computers are grouped together. They are located near the service desk so that staff can provide assistance and monitor their use.

Finding 3. County librarian salaries are the lowest of any professional classification in its system.

The Director of Library Services agrees with the finding. Professional staff salaries in the Auburn-Placer County Library are the lowest of any professional classification in Placer County. They are approximately 25-35% lower than other County positions with similar educational background, experience, responsibilities, and working conditions.

Recommendation 3. Placer County should look at the current pay scale of its library personnel to bring the employees in conformance with other professional classifications.

Implementation of this recommendation is dependent on the County Board of Supervisors. County salaries are established by the Board of Supervisors based on recommendations of the County Executive Office and Personnel Department. The matter is under review at this time.

cc: Board of Supervisors

CERTIFICATES OF PARTICIPATION

METHOD OF FINANCING PUBLIC PROJECTS WITHOUT VOTER APPROVAL WITHIN PLACER COUNTY

Background

The 2000-2001 Grand Jury received a complaint late in the year that dealt with the use of Certificates of Participation (COPs) by a city within the County. This complaint was passed on to the 2001-2002 Grand Jury for follow up investigation.

During the course of its initial investigation, the Grand Jury became aware of the widespread use of this method of financing major projects in the County, all without voter approval.

While the use of COPs is legal and in some instances necessary, many projects were undertaken without full and easily understandable disclosure to the general public of the reasons for the projects and the costs that would be involved.

Because of the number of COPs that are outstanding within the County and the large dollar amount that is associated with them, the Grand Jury, with its oversight responsibility, chose to include all current countywide COPs in its investigation and inform the general public of its findings.

A Certificate of Participation is a method of funding used by governing agencies for construction or improvement of public facilities. By use of a lease type repayment structure, the monies needed to fund these building projects, even though some may be payable over periods in excess of 20 years, do not, by California State law, constitute a public debt; therefore they do not require voter approval. Federal tax laws, however, treat these lease type obligations as debt, which allows for tax-exempt interest to the underwriting agency. Government agencies with this statutory authorization of funding include the County Board of Supervisors, City Councils, Special District Boards of Directors, and County, City, and District School Boards.

Other key elements of the COP are:

- The approving public agency enters into a tax-exempt lease with a lessor. Lessor acquires site through purchase from a third party or by leasing it from the public agency.
- Facilities are implemented more quickly than those approved by a General Obligation Bond.
- COPs obligate the General Fund.
- COPs can encumber the facility and the land.

- Usually requires rental interruption insurance (in addition to regular insurance).

Governing Boards may, by resolution, also create Enterprise Funds, using COPs. These funds are established for activities normally found in the private sector, i.e., parking garages, golf courses, public utilities, airports, sports and entertainment venues. They are meant to be self-supporting through user charges and should be operated in accordance with generally accepted accounting procedures and reporting requirements of similar private sector business. The nature and purpose of such a fund is to provide goods or services to the general public on a continuing basis. By the use of COPs, these Enterprise Funds do not require voter approval.

COPs were not largely used until the passage of California Proposition 13 in 1978. This Proposition required a two-thirds majority vote of those living within the affected area for issuance of a General Obligation Bond.

General Obligation Bonds may be sold by a public entity that has the authority to impose ad valorem taxes. This is a tax based on assessed value of real property and must be approved by a two-thirds majority vote of the people. Primary use of this tax is to acquire and improve public land and property. As enacted in 2001, General Obligation Bond elections for schools are an exception to the two-thirds majority in that they require only a 55% majority. If, however, the bond is tied into a previous bond under the two-thirds majority rule, the 55% figure will not apply.

Since 1978 most local government entities have had a difficult time gaining approval of General Obligation Bonds. They also have had difficulty in accumulating cash reserves as funding levels have been reduced as a result of funds being transferred to the State, with no guarantee of how much will be returned. This has led to a sharp increase of lease purchase financing, primarily within the Penal System and School Districts.

The use of COPs has been tested in the court system. The most notable case was in 1942, City of Los Angeles v. Offner. The California Supreme Court held that a lease is not a debt, and therefore does not need voter approval. It was of interest to the Grand Jury that all County Agencies and District Budgets that were reviewed listed these COP's/Enterprise Funds in their financial statements under Long Term Debt.

Finding 1

The following table represents the principal balance due on COP/Enterprise Funds as of June 30, 2001. Interest that will be paid over the term of the lease has not been computed as the figure can change through re-financing the COPs or converting them into Revenue Bonds.

Schools:

<u>District</u>	<u>Remaining Principal</u>
Auburn Union	\$27,443,580
Eureka	502,000
Placer County Office of Education	3,200,000
Loomis Union	7,000,000
Placer Union High	3,534,208
Placer Hills Union	680,000
Roseville Joint Union High	2,320,000
Roseville City Schools	22,500,000
Tahoe-Truckee Union	15,631,000
Western Placer Unified	8,035,000
Sierra Community College	<u>5,200,000</u>
Total	<u>\$92,845,788</u>

Cities:

<u>Cities:</u>	<u>Remaining Principal</u>
Auburn	\$2,325,000
Rocklin	3,019,610
Roseville	<u>87,140,000</u>
Total	<u>\$92,484,610</u>

Placer County:**Total \$29,961,000**

Special Districts:

North Tahoe Public Utility District	\$7,310,000
Placer County Water Agency	<u>54,150,000</u>
Total	<u>\$61,460,000</u>

COP Totals:

School Districts	\$92,845,788
Cities	92,484,610
Placer County	29,961,000
Special Districts	<u>61,460,000</u>

**Total outstanding obligation in Placer
County as of June 30, 2001** **\$276,751,398**

As a point of reference, if \$276,751,400 at 5.5% matured in 15 years, the total cost would be \$407,032,182. If the same \$276,751,400 at 5.5% matured in 25 years, the total cost would be \$509,848,719. This is assuming all COPs matured at the same time at the same rate of interest.

Finding 2:

All COPs issued were legally initiated and implemented.

Finding 3:

There is no central repository that has on file COP information for all agencies within the County.

Finding 4:

There appears to be little understanding or awareness of this type of financing on the part of the public.

Recommendations:

This Grand Jury would suggest all County entities with outstanding COPs issue an end-of-the-fiscal-year report on each such COP. This report should be made available to the public and the media. The report should include:

- Original amount of COP issued
- Brief description of the project financed
- Name of Trustee
- Balance remaining
- Interest costs incurred to date
- Estimated future interest costs

The Grand Jury would further recommend that future use of this type of financing include:

- Full disclosure to the public of the need for the project. Use clearly understandable language and work with the media to provide maximum coverage.
- Full disclosure of the anticipated costs of the project, including anticipated interest charges over the life of the bonds, Bond Counsel charges and insurance fees. These figures should be included in the meeting agendas when the item is on the calendar.

Responses Required

No response is required. If, however, any of the issuing authorities, including the Placer County Board of Supervisors, would care to comment on the recommendations please respond within 90 days to:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn California 95603

SOURCE MATERIAL

Loomis Union School District Financial Statements For Year Ending June 30, 2001.

Auburn Union School District Financial Statements For Year Ending June 30, 2001

City of Lincoln Annual Budget 2001-2002

City of Auburn Financial Plan 2000-2001

Sacramento County Grand Jury Final Report 1993-1994

San Bernardino County Grand Jury Final Report 1996-1997

San Bernardino County Grand Jury Final Report 1995-1996

Monterey County Grand Jury Final Report 1996-1997

League of California Cities-California Municipal Law Handbook

California Government Code 37350-37364

PERSONAL CONTACTS

Interviews were held with 28 people representing the following public entities. The Grand Jury would like to thank all those individuals for their cooperation and the professional manner in which it was given.

Auburn Union Elementary School District

Colfax Elementary School District

Loomis Union School District

Placer Hills Union School District

Placer Union High School District

Rocklin Unified School District

Roseville City School District

Roseville Joint Union High School District

Western Placer Unified School District

Placer County Office of Education

City of Auburn

City of Rocklin

City of Roseville

City of Lincoln

Placer County Auditor-Controller's Office

Placer County Executive's Office

North Tahoe Public Utility District

Sierra Joint Community College District

APPENDIX

There does not appear to be any one definition for a COP. For example, the following were found during investigation:

City of Auburn Financial Report

"Bonds issued by the City to construct capital facilities and buildings. Non-specific revenue sources are used to pay debt service on these bonds."

California Debt and Investment Commission

"A certificate (which looks very much like a bond) representing an undivided interest in the payments made by a public agency pursuant to a financing lease (or an installment purchase agreement). Also known as COP's."

"A portion of each lease payment (and, therefore, a portion of each interest in a lease payment) is designated as being principal, and the remainder as interest. Even though COP's are not treated as indebtedness of the issuer under state law (particularly the California Constitution), the federal tax law treats the lease obligation as if it were a debt, and, as a result, the interest component of each lease payment may be treated as tax-exempt interest."

League of California Cities, The California Municipal Law Handbook

"Certificates of Participation (COPs) use a tax-exempt lease structure to finance the construction of public facilities or improvements. If structured properly, COPs do not constitute "debt" for purposes of the state constitution. Because COPs often rely upon an annual appropriation from the cities general fund, the interest rate and the cost of financing often depend upon whether the improvements to be financed and the property which is the basis for the underlying lease are essential to the functioning of the city. However, COPs can be used to finance virtually any public improvement or facility. COPs do not require an election, even if the payments are secured by enterprise revenues."

Monterey County Grand Jury

"Certificates of Participation are debt instruments for financing capital projects by the local government. They were developed in response to the difficulties encountered by local governmental bodies in obtaining voter approval. COPs do not require voter approval."

"COPs differ from a bond issue, in that a non-profit Corporation is given the legal right to the revenue developed by the new facility up to the level required to pay the interest and the amortized principal sum of the borrowing. This legal right to a share of the revenue is usually expressed in the form of a lease with the

Corporation, the lessor, and the government body, the lessee. The Corporation, in turn, sells shares in this revenue stream to individual or commercial investors. The government body sponsoring the new facility leases it back from the Corporation; the government body also guarantees the return of the principal and interest. In effect, the facility is paid for by its own revenue, but to make the deal possible, the government body must guarantee the required revenue to pay off the loan. Thus, if the costs of the project exceed original estimates or the planned revenue streams do not meet expectations, the taxpayers must ultimately make up the shortfall.”

Glossary of Bond Terms

“COP’s are a structure where investors buy certificates that entitle them to receive a participation, or share, in the lease payment from a particular project. The lease payments are passed through the lessor to the certificate holders with the tax advantages intact. The lessor typically assigns the lease and lease payments to a trustee, which then distributes the lease payments to the certificate holders.”

City of Lincoln Annual Budget 2001-2002

“A type of fund established for the total cost of those governmental facilities and services which are operated in a manner similar to private enterprise. These programs are entirely self-supporting.”

City of Roseville Annual Financial Report for fiscal year ended June 30, 2001

“Enterprise Funds are used to account for operations (a) that are financed and operated in a manner similar to private business enterprises where the intent of the City is that the costs and expenses, including depreciation, of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the City has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.”

San Bernardino County

“Governing boards may, by resolution, create Enterprise Funds, using COP’s. These funds account for governmental activities that are similar to those found in the private sector. Generally accepted accounting procedures, principles and reporting requirements used by similar private sector businesses apply.”

“The nature and purpose of such a fund is to provide goods or services to the general public on a continuing basis:

- That are financed and operated in a manner similar to private enterprise
- Where the intent of the governing body is that all costs are to be financed or recovered through user charges.”



AUG 14 2002

AUG 14 2002

1225 Lincoln Way • Auburn, CA 95603 • (530)823-4211 • Fax(530)885-5508

August 9, 2002

Honorable James D. Garbolino
Residing Judge of the Superior Court
County of Placer Historic Courthouse
101 Maple Street
Auburn, CA 95603

Reference: Response to Placer County Grand Jury Final Report 2001-2002; Certificates of Participation

Dear Judge Garbolino:

Although not required, I would like to comment on the Certificates of Participation discussion in the 2001-2002 Grand Jury Report.

The City of Auburn's use of Certificates of Participation has been very conservative. The \$2.3 million issue (the City's only COP issue) was used to finance the Police Department building. This facility is considered extremely important to the safety of our residents. As a percentage of the City General Fund budget, the annual debt service of \$209,000 on the \$2.3 million is three percent, a very conservative amount. Last year the City moved \$1,275,000 from the General Fund into its debt service fund. This will enable the City to pay off the entire debt by 2005, cutting 15 years off the payment schedule and will save \$986,221 in interest payments. In doing this, I believe the City has acted responsibly to significantly reduce the cost of the issue.

Aside from occasional complaints by the League of Placer County Taxpayers, I cannot recall any other complaints about the Certificate of Participation issue for the Police Department facility. I think that this shows that the vast majority of Auburn residents approve of this expenditure.

Sincerely,


Paul Ogden
City Manager

PO/mhc
cc: City Council Members

COLFAX ELEMENTARY SCHOOL DISTRICT

Complaint 2001A-08

Background

Colfax Elementary School District consists of two schools: Colfax Elementary School, with about 500 students, and Iowa Hill School with 4 - 10 students. The District has been managed at various times under a Superintendent/Principal and Vice Principal for Colfax Elementary versus a Superintendent and Principal (no Vice Principal) for the School. The latter system has been the method of management for the last several years. Iowa Hill School has one teacher that serves under the Superintendent. The current superintendent has been in his position for 22 years but is resigning as of June 30, 2002. The new principal began her term in June 2001. According to the school administration there have been four principals in seven years. Also it should be noted that the five-member School Board has had few elected members in recent years. Currently all Board members have been appointed.

The Placer County Grand Jury began an investigation of the District because of four written requests for action. The complaints centered mainly on parents' ethnicity forms being changed by teachers under order from the Superintendent, budget improprieties, Brown Act violations, and lack of good management. A Grand Jury Committee interviewed nine witnesses.

Discussion

Testimony developed the following information:

1. Witnesses testified that demographic data in the Indian Education Program had been altered from that submitted by parents for submittal to the Federal Government.
2. Prior to hiring a business manager, budget data was confusing. Different data was used for different audiences. One set was apparently for public consumption and one for use with internal audiences.
3. There may have been violations of State provisions of the Brown Act. Witnesses also testified that there were alleged Brown Act violations.
4. The Colfax Elementary School Board has failed to provide leadership for the District and the Superintendent has dominated the board, according to witness testimony.

Ethnicity Forms

Witnesses provided information that data sent to the Department of Education, Office of Indian Education, was altered substantially from that originally

submitted. In the fall, teachers were asked to make a count of students based on their ethnicity in the California Basic Educational Data System (CBEDS) report. The following spring teachers were asked to mark the ethnicity of each of their students on STAR/SAT 9 test forms. During school years 1998-99 and 1999-2000 these counts did not match, and the District hired an outside consultant to reconcile the figures. The differences were largely in the District's Native American count. The District has for many years received a substantial grant (2001-2002 grant is \$19,912) from the Department of Education, Office of Indian Education, for an "Indian Ed Program". The ethnicity question, as posed by the CBEDS count and the STAR/SAT 9 test form, asks with which ethnic group the students and/or parents "most closely associate" themselves. In the spring of 2001 the Superintendent gave teachers detailed, written instructions for completing the ethnic designation for each student:

1. Teachers were to use the District parent survey to gather the information directly from parents.
2. The parents' designation was to be used when filling out the student's form, EXCEPT, if the student was enrolled in the Indian Education Program he/she was to be designated as Native American regardless of the parents' designation.

There were objections to this policy on the basis of validity and ethics. The result was that in 1999, 69 students were reported as Native American out of a student body of 430, or about 16% of the student body. In the 2001-02 school year there are 99 students reported as Native American with an enrollment of 530, or 19%. The 2000 census shows that only about 1% of the Colfax area thinks of itself as Native American.

The Department of Education, Office of Indian Education, has investigated this situation, and its report (dated March 21, 2002) is attached. The government report seems inadequate, as it does not deal with changing of parents' ethnic designations.

Budget Issues

Witnesses consistently testified that the Superintendent used two different sets of budget data to lead people to believe that certain needs had been budgeted. Later these funds disappeared in the official budget and upon questioning they reappeared. An example of this occurred in the 1997-98 school year when the District had a \$17,000 deficit in the SITE Improvement Program. This led to much consternation on the part of the teachers, parents, SITE Council, and Parent/Teacher organization.

There was a lack of diligence in budget oversight concerning the construction of a new school. The State claimed an overrun in excess of \$2 million for construction costs over the amount allocated by the State. This has resulted in an expenditure of \$36,000 per year from the school year 1994-95 to January 2, 2015 to repay a loan from the state.

Brown Act

The Brown Act requires that any employee be given at least 24 hours written notice of any meeting intended to be held in closed session to hear charges or complaints against the employee, and the option to have the complaints or charges heard in open session. (Government Code Section 54957) Neither the Board nor the District gave the required written notice to one employee, although they heard and considered the complaints and charges in closed session. It also has been alleged that a Colfax School Board meeting was held in a private home.

Management

On another matter, the Grand Jury felt that instead of providing leadership for the District, the School Board has consistently bowed to the wishes of the Superintendent. Witnesses indicated that, while well intentioned, the Board was weak and "in the Superintendent's pocket". In January 2002, the current Superintendent announced that he was retiring and the new person had been appointed without a job search. The management set-up was also changed from the Superintendent and Principal format to Superintendent/Principal and Vice-Principal.

The current Board is an appointed one. Colfax has not held a competitive election for school board members since 1996.

Witnesses consistently characterized the relationship of the administration with teachers and some parents as strained and lacking in trust. This is reflected in the fact that Colfax Elementary School has had four principals in the past seven years. Labor relations have been tense between staff and management. The latter is demonstrated by the survey of documents showing more than \$30,000 in legal fees expended by the District in the past several years to resolve labor relations issues.

Finding 1

It was alleged that inappropriate data relative to Native American census data might have been submitted to the United States Department of Education.

Recommendation 1

Colfax Elementary School District should continue to investigate the validity of the numbers submitted for its Indian Education Program.

Finding 2

There was a lack of diligence in budget oversight concerning the construction of a new school.

Recommendation 2

The Colfax Elementary School Board needs to exercise more oversight in budgetary functions. The District Business Manager should advise the Board in budgetary matters. The Board needs to be apprised of overruns.

Finding 3

Colfax Elementary School Board does not appear to have a full understanding of the provisions of the Brown Act as it relates to the proper workings of boards.

Recommendation 3

The attorney for the school district should meet with the School Board and the Superintendent and go over the requirements of the Brown Act.

Finding 4

The Colfax Elementary School Board has consistently failed to provide critical leadership to the district.

Recommendation 4

The Colfax Elementary School Board needs to educate itself through a class, on the functions and responsibilities of board membership. It is recommended that Board members attend State and County School Board conferences to further their knowledge of current issues and more closely define the role of school boards. The whole community of Colfax School District residents needs also to take a greater interest in the functioning of their school district.

Respondents

Colfax Elementary School Board
Superintendent, Colfax Elementary School District
Placer County Superintendent of Schools

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603

Colfax Elementary School District

BOARD OF TRUSTEES

Colleen Slattery
Vice Principal

Colfax Elementary School/Iowa Hill School
(530) 346-2202 (530) 913-9680
24825 Ben Taylor Road
Colfax, California 95713

Evelyn O'Connell
Cash Moon-Harrison
Patrick Grimes
Bill Madison
Cheryl Axton

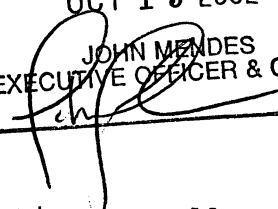
Fax (530) 346-2205

COLFAX ELEMENTARY SCHOOL DISTRICT BOARD RESPONSE
JUNE 2002 GRAND JURY REPORT

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

September 18, 2002

To: Honorable Alan V. Pineschi,
Assistant Presiding Judge

OCT 15 2002
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By  Deputy

The Board makes the following general statement and objections to all "findings," "recommendations," and/or "allegations" contained in the Grand Jury Report on case #2001A-08 ["Report"]:

- ◆ The Report repeatedly implies or insinuates wrongdoing, without citing any credible or documentary evidence in support of such claims.
- ◆ The Report is merely a summary of various unsubstantiated and unverified accusatory allegations made by unidentified persons - it contains no findings supported by any credible, verified, or verifiable, source. Indeed, the existing documentation on these issues tends to contradict the vague insinuations of the Grand Jury's Report [See, e.g., the U.S. Department of Education's letter of Ms. Morgan, Acting Director of the Office of Indian Education: she found, after an on-site investigation, that the District is in full compliance with all Indian Education Program requirements, including reporting requirements / procedures].
- ◆ The Report is so preoccupied with parroting accusations of disgruntled employees and others, without any regard for or concern with what is in the best interests of students and families served by the Colfax Elementary School District, that the Report makes itself irrelevant to the District's and Board's central mission and focus: educational quality.
- ◆ The Report is so lacking in factual detail and specificity (insufficient indication of dates, names, times, places, and/or specific facts in context, etc.) that the Board is prevented from making a more detailed fact-based response.

Notwithstanding these objections, and without waiving them, the Board responds to the Report more specifically as follows:

Response to "Finding #1":

Though unclear, this "finding" suggests the District submitted incorrect data to the U.S. Department of Education regarding the ethnicity and count of students participating in the Federal Indian Education Program at Colfax Elementary School. The Board strongly disputes and disagrees with such suggestion or accusation. Indeed, attached to the Grand Jury Report itself is a letter from Cathy Morgan, Acting Director of the U.S. Department of Education, Office of Indian Education, written after an on-site evaluation, indicating the District and Board were, and are, in full compliance with Indian Education Program requirements, including reporting requirements.

Regarding "Recommendation #1":

As the Colfax Elementary School District and Board of Trustees believes this "finding" is erroneous and, in any event, is nullified by the overriding findings of the U.S. Department of Education's technical assistance visitation and report. This report states full compliance with Indian Education Program rules and regulations, and Colfax Elementary School District will not order or engage in any further investigation of the "Ethnicity Forms" issue or any "validity of the numbers".

Response to "Finding #2":

The Colfax Elementary School District and Board of Trustees feels this finding is erroneous: after the new school's construction was reviewed by the 1993-94 Placer County Grand Jury, the only finding applied to the Placer County Office of Education, which was to provide coursework in the area of planning issues for school boards facing new school construction. An arbitration matter resolved nine years ago is irrelevant to an assessment of the competency and proper functioning of the current Board of Trustees, regarding budgeting, oversight, or any other function within the Board's purview.

Regarding "Recommendation #2":

The Board strongly disputes and disagrees with such suggestion or accusation: This issue was fully examined by the 93-94 Grand Jury and resolved. To imply that the current Board of Trustees does not exercise budget oversight due to construction overruns nearly nine years ago is illogical and irresponsible. It is simply not a true representation or indicator of the current Board's fiscal oversight. The Board of Trustees

is briefed monthly in all budgetary areas including budget transfers, stability of economic reserve, expenditures, cash flows, etc. In bi-annual independent audits of district financial matters, Colfax Elementary School has not had a single finding in 3 years.

Response to "Finding #3":

The Colfax Elementary School District and Board of Trustees feels this finding is erroneous: The Board of Trustees understands and complies with all its obligations under the Brown Act open meetings laws. The Report's allegations of violations are unsubstantiated and cite no specific incident of non-compliance. Personnel matters involving disciplinary actions/discussions regarding employees are reviewed by District counsel with respect to the Brown Act, Education Code, and Government Code. The Report fails to acknowledge that under the express language of Government Code §54957, and applicable court decisions, not every employee discussed in closed session is entitled to 24-hour notice. There was no finding or evidence that the "one employee" in question was in fact entitled to such prior notice. As the Report makes no mention of the date of such alleged violation, there is no evidence that any closed session discussion even took place. A past meeting of the Board held in a private residence followed all applicable Brown Act requirements, including having the date, time and location made available to the public in advance, and having public access available. Again, there is and was no evidence suggesting that the District acted outside of the Brown Act.

Regarding "Recommendation #3":

Colfax Elementary School District Board of Trustees already consults with District counsel regarding the Brown Act. With a relatively new Board President, Superintendent, and District Secretary, plans for Brown Act training are in progress and will allow new board members to understand and comply with all Brown Act requirements, just as the Board has in the past.

Response to "Finding #4":

The Colfax Elementary School District and Board of Trustees feels this finding is erroneous and not supported by any credible evidence: A school board hires a Superintendent to provide recommendations regarding the ongoing management and operations of a multi-faceted school organization. Through this process of advising the board, including on matters involving legal, philosophical, economic, and ethical constraints, the school board weighs all the information and acts

accordingly. If the school board consistently disagrees with the Superintendent's recommendations, then a new Superintendent search would be warranted. This has not been the case here at Colfax Elementary School District.

Regarding "Recommendation #4":

Colfax Elementary School District Board of Trustees agrees that continual education regarding the functions and responsibilities of the board is important to maintaining highly informed board members. Funds are set aside each year for Trustees to attend conferences and workshops specifically designed to maintain and improve effectiveness. Each Trustee is encouraged to attend conferences sponsored by CSBA (California School Boards Association) and the Small School District Association. For example, the current Board President has attended eight full days of training in the past fourteen months on Boardmanship, fiscal oversight, Brown Act, etc.

Respectfully submitted,



Cheryl Axton
Board President

Patrick Grimes
Clerk



William Madison
Trustee



Cash Moon-Harrison
Trustee

Evelyn O'Connell
Trustee





Placer County Office of Education

360 Nevada Street
Auburn, CA 95603

530.889.8020
530.888.1367 FAX
www.placercoe.k12.ca.us

SEP 09 2002

Schools
Court

Alfred "Bud" Nobili
Superintendent of Schools

Ron Andrade, Ed.D.
*Deputy Superintendent
Instructional Services*

Larry Mozes, Ed.D.
*Assistant Superintendent
Special Education*

Maureen Burness
*Assistant Superintendent
Placer/Nevada SELPA*

Randi Scott
*Executive Director
49er R.O.P.*

Jill Harper
*Executive Director
Child Development Programs*

Joan Kingery
*Executive Director
Business Services*

June 26, 2002

The Honorable James D. Garbolino
Presiding Judge, Superior Court
Placer County
Historic Courthouse
101 Maple Street
Auburn, CA 95603

**Re: 2001-2002 Grand Jury Report
Colfax Elementary School District Complaint 2001A-08**

Dear Judge Garbolino:

The Placer County Office of Education has reviewed the Grand Jury's report regarding the Colfax Elementary School District Complaint 2001A-08. I formally submit the following response.

Finding 1

It was alleged that inappropriate data relative to Native American census data might have been submitted to the United States Department of Education.

Response

The finding, as stated in the Grand Jury Report, "*inappropriate data relative to Native American census data might have been submitted*" is accurate. However, the key words here are alleged and might have been submitted. There has been **no evidence** presented to prove that this allegation is true. In my opinion, an unsubstantiated "*allegation*" should not be included as a finding in the Grand Jury Report. In addition, the fact that the California Department of Education Office of Indian Education investigated the matter and found there was no wrong-doing, would appear to invalidate their finding.

County Board of Education
Keith Alpaugh
Don Brophy
Rich Colwell
Norman Fratis, Jr.
Scott Gnile
Carole Onorato
Kenneth Sahl

*An Equal
Opportunity Employer*

Finding 2

There was lack of diligence in budget oversight concerning the construction of a new school.

Response

I find it very interesting that the 2001-02 Grand Jury Report produces a finding and recommendation concerning lack of diligence in construction budgeting that occurred almost 10 year ago. The 1993-94 Grand Jury Report No. 2 reported this and the findings and recommendations were dealt with at that time. The timeliness of the complaint should have been considered by the Grand Jury.

Finding 3

Colfax Elementary School Board does not appear to have a full understanding of the provisions of the Brown Act as it relates to the proper working of boards.

Response

Based upon the information presented, I disagree with this finding. Once again, it appears that the Grand Jury has taken the liberty to state findings and recommendations based on **alleged** actions at Board meetings and lack of notice to employees. This finding is, in my opinion, an **assumption** that the Colfax Elementary School District Board does not have an understanding of the provisions of the Brown Act.

Finding 4

The Colfax Elementary School Board has consistently failed to provide critical leadership to the district.

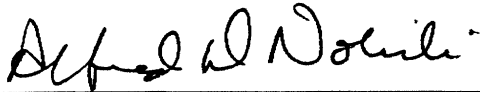
Response

I do not agree that the Colfax Elementary School Board has "*consistently*" failed to provide leadership to the district. There is a process for addressing complaints and concerns if there are individuals or groups who disagree with the Board's decisions and direction.

The Honorable James D. Garbolino
2001-2002 Grand Jury Report
Colfax Elementary School District Complaint 2001A-08
June 26, 2002
Page 3

In addition, to my knowledge the Colfax Elementary School District Board has followed all appropriate statutes in its process of appointing school board members when no candidates filed for an elected position. Appointing board members does not mean decline in quality. As to this finding and recommendation, it is important to note that all boards continue efforts to educate themselves on the functions and responsibilities of board membership. Workshops are offered annually within the County and the State. It is also important to keep in mind that community members have many opportunities to take an active interest and role in their school district should they so desire.

Sincerely,



ALFRED D. NOBILI
COUNTY SUPERINTENDENT OF SCHOOLS

ADN/ma

PEACE FOR FAMILIES

Background/Summary

As a follow-up to the previous Grand Jury, the 2001-2002 Grand Jury of Placer County visited and spoke with the staff and management of PEACE for Families on November 28, 2001.

PEACE for Families provides services for victims of domestic violence that include:

- A 24 hour crisis telephone line;
- Counseling teams available at various locations, such as hospitals, and private office settings;
- Emergency shelters; and
- Legal assistance with restraining and custody orders.

Victims of abuse may stay at this shelter for a period of 60 days. An additional six-month transitional housing program for counseling on substance abuse is provided. The shelter provides skills in general life situations such as nutrition, to help with integrating families into a more stable life.

The funds to operate this agency come from State and Federal Grants, private donations, and County funds in excess of \$45,000.00 derived from the Presley Fund, a tax on marriage licenses.

The Grand Jury was impressed with the general living conditions and programs. It was noted, however, that toxic cleaning supplies were located in areas accessible to children.

Finding 1

The Grand Jury noted the main bath and shower room was used for cleaning supply storage.

Recommendation 1

Cleaning supplies should be stored in a separate and secured area.

Commendation

The Grand Jury commends the community of Placer County and the staff and management of the shelter, for the compassion and understanding in handling domestic abuse situations.

Respondents

Placer County Facility Services Director
Placer County Health and Human Services Director

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603



MASTER
AUG 22 2002

PLACER COUNTY DEPARTMENT OF FACILITY SERVICES



THOMAS MILLER, Director
Jim Durfee, Assistant Director
Albert Richie, Deputy Director
Mary Dietrich, Deputy Director

OPERATING DIVISIONS
Administration • Building Maintenance
Capital Improvements • Parks & Grounds
Property Management • Solid Waste Management
Special Districts/Utilities

August 14, 2002

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

Subject: Peace for Families

Finding 1: The Grand Jury noted the main bath and shower room was used for cleaning supply storage.

Recommendation 1: Cleaning Supplies should be stored in a separate secured area.

Response: Facility Services does not provide custodial services to this facility nor does this department provide cleaning supplies. None-the-less we will work with Peace for Families should they need any alternative location to store said supplies.

Sincerely,

A handwritten signature in cursive script that reads "T. Miller".

Thomas Miller, Director

TM:db

T:\fac\Deirdre\department\Peace for Families 0722

MASTER
AUG 22 2002

**MEMORANDUM
COUNTY OF PLACER
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

TO: Michael Paddock, Senior Management Analyst, CEO
FROM: Raymond J. Merz, Director
DATE: July 24, 2002
SUBJECT: Response to Grand Jury 2001-2002 Report
PEACE for Families

The following is the Department of Health and Human Services response to the Grand Jury Report on PEACE for Families, 2001-2002.

PEACE for Families is a private non-profit organization with its own board of directors and is not a Placer County department. However, we will be glad to comment on your recommendations.

Finding 1

The Grand Jury noted the main bath and shower room was used for cleaning supply storage.

Recommendation 1

The Grand Jury recommends cleaning supplies should be stored in a separate and secured area.

Response 1


Good storage practices are always advisable for storage of cleaning supplies and other chemicals. Perhaps Facility Services would be a more appropriate respondent than Health and Human Services.

Commendation

We agree with the Grand Jury that the community of Placer County, the staff and the management of the shelter should be commended for their compassion and understanding in the handling of domestic abuse situations.

Placer County Department of Health and Human Services (HHS) is very supportive of the services provided by PEACE for Families.

Respectfully submitted,


Raymond J. Merz, Director
Placer County Department of Health and Human Services

SOLID WASTE MANAGEMENT

Follow up to 1996-97 Grand Jury Final Report

Discussion

The 1996-97 Grand Jury did an investigation of the Materials Recovery Facility (MRF). It was noted at that time that service contracts had become an issue because of their length, and the possibility they would be extended instead of put out for bid. The 2000-2001 Grand Jury suggested to the 2001-2002 Grand Jury that this be investigated.

Testimony from two Placer County Supervisors; Director, Facilities Services; Deputy Director, Facilities Services; and the Solid Waste Program Manager revealed that the Western Regional Sanitary Landfill contract has been re-bid with savings to the County. The Materials Recovery Facility Contract has been extended to July 2005, and should be re-bid. Care should be taken to allow enough time for this process. Other contracts that will need attention soon are:

SERVICE	CONTRACTOR	EXPIRATION DATE
Garbage Collection in SW Placer County	Auburn Placer Disposal Service	July 2004
Garbage Collection in NE Placer County	Tahoe Truckee Sierra Disposal	July 2004
Tahoe MRF Operation	Eastern Regional Landfill, Inc.	Year-to-Year
Western Placer Waste Management Authority MRF Operations	NORTEC Waste LLC	July 2005

The 2001-2002 Grand Jury observed the MRF in operation. It is an efficient two-shift operation. The goals of the MRF are to achieve a recyclable material recovery rate of 16% this year, 18% beginning July 1, 2002, and 20% beginning July 2003.

The 2001-2002 Grand Jury also inquired into the potential conflict of interest arising from the same individual serving both on the staff of the Joint Powers Authority (JPA) and as a county employee in Facilities Services. Based on testimony from the above individuals the Grand Jury believes this situation has not caused any conflict of interest to date. However, continued monitoring of this situation should be maintained by future Grand Juries.

Finding 1

Many of the solid waste management contracts will be coming up for renewal in the near future. Decisions will need to be made as to whether a contract should be extended, renegotiated, or put out for bid.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 1

The Grand Jury believes that whenever possible, contracts should be put out for bid to ensure the County is getting the best possible price and service.

- ***The recommendation has been implemented. The Placer County Procurement Purchasing Policy Manual states that, in general, contracts and purchases in the amount of \$25,000 or more must be awarded through the use of competitive sealed proposals. There are exceptions for commodities and services that are unique or specialized. Working within these guidelines, as indicated in the attached response from the Director of Facility Services, staff will evaluate each service individually to determine whether it should be competitively bid or renegotiated with the existing contractor.***

Finding 2

The County is doing a good job with its solid waste management efforts and is commended by this Grand Jury.

- ***The Board of Supervisors and the County Executive Officer agree with the finding and thank the Grand Jury for the support and commendation.***

Recommendation 2

Future Placer County Grand Juries should monitor solid waste management contracts as their expiration dates approach.

- ***As this recommendation is directed to the Grand Jury, a response from the Board of Supervisors and the County Executive Officer is not required.***

Finding 3

To date, a conflict of interest has not arisen from the same individual serving on both the staff of the JPA and as a county employee.

- ***The Board of Supervisors and the County Executive Officer agree with this finding.***

Recommendation 3

This situation should continue to be monitored by future Grand Juries.

- ***The Board of Supervisors and the County Executive Officer appreciate the concern of the Grand Jury and welcome the oversight of future Grand Juries.***

Respondents

Director, Facilities Services
Board of Supervisors
County Executive Officer

RESPONSES REQUIRED WITHIN 90 DAYS TO:

The Honorable Judge James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603

PLACER COUNTY ANIMAL SHELTER

Background/Summary

The 2000-01 Grand Jury toured the Placer County Animal Shelter at DeWitt Center in response to a complaint and found the shelter, which was built in the early 1970s, is outdated and does not meet the needs of rapidly growing Placer County, particularly with regard to the area reserved for cats.

The County, aware of the problems, is pursuing plans to build a new shelter. A new program manager was hired in March 2001. In addition, the Placer County Supervisors recently directed \$300,000 to Animal Control for immediate correction of some of the worst conditions noted by the 2000-01 Grand Jury.

Discussion

As a follow-up, members of the 2001-2002 Grand Jury inspected the animal shelters located at DeWitt Center in Auburn and Tahoe Vista in North Lake Tahoe and interviewed management and staff at both locations. Both shelters are well staffed, relatively clean, and full of animals. The DeWitt kitchen area is inadequate for the uses required. The DeWitt staff noted the cats developed medical problems caused by their proximity to the dogs. Their cages were stationary and not moved easily. The problem has since been solved by the addition of stainless steel cages that are moved easily.

The recently acquired contingency funds are being used to address the most pressing problems cited by the 2000-2001 Grand Jury to allow for better working conditions and provide a more humane environment for the animals in their care.

Finding 1

Though no definite timeline has been established at this time, plans are underway to improve the existing shelter at DeWitt Center by relocating the cat area to another part of the shelter. The cats are now housed in stainless steel cages that can be moved easily.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 1

Move ahead as quickly as possible to relocate the housing for cats to a less stressful area and provide a quarantine area.

- ***The recommendation has not yet been implemented, but will be implemented in the future. As indicated in the attached response from the***

Director of Facility Services, Phase II of the three phase renovation of the animal care facilities is under way. Phase III will provide the interior improvements which will allow the separation of the feline population, and should be completed by December 2002.

Finding 2

The DeWitt kitchen area is not large enough for the preparation of the necessary quantity of animal food. There is also limited storage space for the food and supplies throughout the facility.

- ***The Board of Supervisors and the County Executive Officer agree with the finding. Phase II of the renovation of the animal care facilities is in process. Although the existing food preparation area will not be specifically expanded, the relocation of the cat housing area and addition of a modular building for staff will reduce the impact on needed space for food preparation and storage.***

Recommendation 2

Continue with plans to enlarge the kitchen workspace/storage area for more efficient use.

- ***The recommendation has been implemented. As indicated in the finding above, Phase II of the renovation of the animal care facilities is in process. Although the existing food preparation area will not be specifically expanded, the relocation of the cat housing area and addition of a modular building for staff will reduce the impact on needed space for food preparation and storage.***

Finding 3

There are water drainage problems at the rear of the DeWitt Center creating unsafe conditions in the large animal corral. This is partly due to water runoff from cleaning the inside cages area, but there is also runoff from a privately owned project located to the northeast which drains onto the shelter property.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 3

Continue with plans to divert the indoor water runoff away from the large animal corral and other outdoor areas. In addition, the county should work with the neighboring parties on a solution to the outdoor water runoff problem as quickly as possible in order to avoid disease and injury to animals confined in the corral area.

- ***The recommendation has been implemented. Phase II of the renovation of the animal care facilities will provide the needed drainage improvements and fill material for the corral area, and will be completed in August 2002.***

Finding 4

The facility at DeWitt is outdated, overcrowded and does not provide adequate workspace for staff or proper housing for the animals.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 4

Continue to improve the existing facility while moving ahead with plans for a new shelter as quickly as possible in order to provide improved working conditions and a humane environment for animals. All of the ongoing improvements will correct some of the more immediate problems, but they should be viewed as only temporary measures until a totally new facility is constructed.

- ***The recommendation has not yet been implemented, but it will be in the future. The Procurement Division will be releasing a Request for Proposals for a Schematic Design of a New Animal Shelter beginning in early 2003. Creation of a design will assist the community fund raising campaign to provide 50% of the required project funding. In addition, a modular office building will be installed under Phase I to provide increased staff space and to allow interior work at the existing facility under Phase III. The total project is estimated to cost \$6,000,000.***

Commendations

The Tahoe Vista facility has implemented a successful "Adopt a Pet" program and is to be commended for the large community based volunteer group it has recruited as well as its responsible euthanasia policy. The DeWitt facility is to be commended for its extended public access hours for adoptions and its ongoing work with private agency and animal advocacy groups.

Respondents

Placer County Board of Supervisors
Placer County Executive Officer
Placer County Health and Human Services Director
Placer County Facilities Department

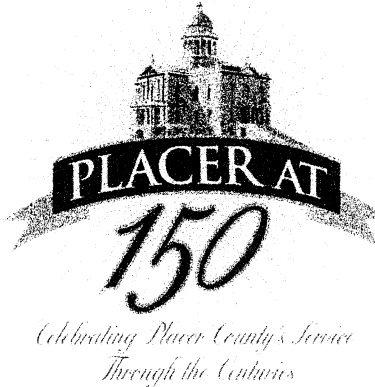
RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

County of Placer
Department of Health and Human Services

MASTER
AUG 22 2002

Raymond J. Merz
Director of Health and Human Services



Environmental Health Services

Richard Burton, M.D.
Public Health Officer

Brad Banner, R.E.H.S.
Environmental Health Director

Date: July 17, 2002

To: Michael Paddock

From: Ray Merz, Health and Human Services Director
Brad Banner, Environmental Health Director
Rich Ward, Animal Services Program Manager

Re: Response to Grand Jury Report
FY 2001-2002 Animal Services

The Grand Jury report made a number of recommendations concerning Animal Services. The following briefly summarizes the status of our compliance with each of the recommendations that were made:

Recommendation 1

The Board of Supervisors allocated \$300,000 to make improvements to the present center, enabling us to provide the necessary care and space for animals during the interim period of shelter development and construction. Plans and a detailed timeline were developed by Facility Services and renovation of the animal care facilities are currently underway. The renovation includes the relocation and improvement of cat holding facilities.

Recommendation 2

The animal care center renovation project prioritized improvements based on consideration of animal health and well being. Therefore, the highest priority for the project was the relocation and improvement of the cat holding facilities. The animal care center renovation includes some expansion of the kitchen area with additional storage to be provided after completion of the renovations.

Recommendation 3

Water runoff issues are being addressed in the animal care center renovation project. Agreements have been reached between neighboring parties to assure outside runoff is appropriately diverted through county property. Wastewater from the cleaning of vehicles will be channeled to the public sewer system. The fields behind the animal care center are being graded and leveled with drains being installed to prevent accumulation of surface water on the paddocks.

C:\bbanner\Animal Contro\Grand Jury Resonse AC 2001-2002.doc

Recommendation 4

A new animal care center is needed. A feasibility study by a consulting architect is expected shortly. During the interim period, efforts continuously will be made to maintain and improve conditions at the present facility so as to provide a safe and healthy environment for animals, staff, and the public. The Animal Services Program Manager has developed a detailed needs assessment for the facility that is being reviewed by county policy makers as a possible basis for future improvement efforts.



AUG 22 2002

PLACER COUNTY DEPARTMENT OF FACILITY SERVICES



THOMAS MILLER, Director
Jim Durfee, Assistant Director
Albert Richie, Deputy Director
Mary Dietrich, Deputy Director

OPERATING DIVISIONS
Administration • Building Maintenance
Capital Improvements • Parks & Grounds
Property Management • Solid Waste Management
Special Districts/Utilities

August 14, 2002

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

Subject: Placer County Animal Shelter

Finding 1: The Grand Jury noted that plans are underway, with no definite timeline, to improve the existing shelter at DeWitt Center by relocating the cat area to another part of the shelter.

Recommendation 1: Move ahead as quickly as possible to relocate the housing for cats to a less stressful area and provide a quarantine area.

Response: Facility Services is currently in the second of a three phase Animal Shelter Improvement project of which the third phase will accomplish the relocation of the cat housing area. These improvements will provide for the isolation of cat populations and decrease the transmission of feline diseases. This phase is scheduled to begin construction in early August 2002, with completion scheduled for December 2002.

Finding 2: The Grand Jury noted that the animal food preparation area not large enough and the storage space for food and supplies is also limited.

Recommendation 2: Continue with plans to enlarge the kitchen workspace/storage area for more efficient use.

Response: Facility Services is currently in the second of a three phase Animal Shelter Improvement project of which the third phase will accomplish the relocation of the cat housing area. These improvements will reduce impacts on the existing food preparation area, but will not expand it. Food storage is provided in a 10'X12' freestanding storage building. Enlarging these areas were not identified as high priority improvements by staff and were not included in the scope of the \$300,000 improvement project.

Finding 3: The Grand Jury noted the drainage problems at the rear of DeWitt Center creating unsafe conditions in the large animal corral.

Recommendation 3: Continue with plans to divert the indoor water runoff away from the large animal corral and other outdoor areas. In addition, the County should work with the neighboring parties on a solution to the outdoor water runoff problem as quickly as possible in order to avoid disease and injury to animals confined in the corral area.

Response: Facility Services is currently in the second of a three phase Animal Shelter Improvement project. This second phase is designed to specifically address the drainage issues in the large animal corral. Proper drainage and additional fill material will be provided in the corral area. These improvements are scheduled to be complete in August 2002.

Finding 4: The Grand Jury noted that the facility at DeWitt is outdated, overcrowded and does not provide adequate workspace for staff or proper housing for the animals.

Recommendation 4: Continue to improve the existing facility while moving ahead with plans for a new shelter as quickly as possible in order to provide improved working conditions and a humane environment for animals. All of the ongoing improvements will correct some of the more immediate problems, but they should be viewed as only temporary measures until a totally new facility is constructed.

Response: Phase 1 of the Shelter Improvement project is the placement of a modular office building at the Shelter. This will allow for staff relocation space required to provide the necessary interior improvements in Phase 3 of the project.

Facility Services will be developing and releasing a Request For Proposals (RFP) in Fall 2002, with Pre-Design and Schematic Design, for a New Animal Shelter, beginning in early 2003. This design work will provide the basis for a community fund raising campaign to provide 50% of the required project funding. The total project cost is currently estimated to be \$6,000,000.

Sincerely,



Thomas Miller, Director

TM:RU:db

T:\fac\rob\grand jury\animal shelter 0722

PLACER COUNTY BOARD OF SUPERVISORS

Complaint 2001B-14

Discussion

As a part of the above referenced complaint the Grand Jury investigated the ease with which the public can obtain information about the Placer County Government and its operations. The Grand Jury found that in the last year Placer County has made improvements in making information available to the general public. These improvements are due mostly to the Placer County Government web page (www.placer.ca.gov). Since its inception the web page has increased the information available to the public. Currently the web page has the following types of information available: County Departments; County Services; the Placer County Code; Calendars; and Board of Supervisor information such as field offices, names and telephone numbers of supervisors, summary actions of the Board of Supervisors, committee assignments, and staff to the Board of Supervisors.

However, with regard to other means of distributing information to the public there needs to be improvement. Currently the primary means of getting information to the public is the brochure entitled "A Citizen's Guide to Services Provided by the County of Placer 2001". This brochure adequately describes services to the citizens of the County. However, it does little to educate citizens as to how they can participate in their government.

Another weakness the Grand Jury found was the lack of a convenient and easy way to access the agenda and backup information for Board of Supervisors meetings. The agenda itself is usually available the Friday before a Tuesday Board of Supervisors meeting. It is available on the web site, by FAX (530) 889-6800, and from the Clerk of the Board at 175 Fulweiler Avenue, Auburn, CA. However, the backup material is available only from the Clerk of the Board.

Additionally, there is not a document that describes how citizens can participate in their government, and the processes used by the Board of Supervisors.

Finding 1

The Placer County Government web page has improved steadily since its inception, and contains much information about the Placer County Government.

➤ ***The County Executive Officer agrees with the finding.***

Recommendation 1

The Public Information Officer and staff should be commended for the web page. Funds should be made available to further its improvement.

- ***The recommendation has been implemented. The FY 2002-03 County Budget includes a recommendation to increase expenditures in the Public Information Office, which should result in greater communication between the Public Information Office and the public.***

Finding 2

The agenda for the Board of Supervisors meetings and its backup materials are not easily accessible to the general public.

- ***The County Executive Officer disagrees with the finding. The agenda is widely distributed for access by the public, and copies of the agenda with its backup materials are available in at least two public locations, including the Finance and Administration Building at the DeWitt Center in Auburn and at the Tahoe City Library. The agenda is available by County fax, on the County's web site, and is also distributed to newspapers and mailed to individuals and businesses that request a copy.***

Recommendation 2

The agenda for each meeting of the Board of Supervisors should be finalized sufficiently early that the agenda and its backup material can be made available to the public at least six days prior to the meeting. The agenda and backup material should be made available to the public at additional locations such as county libraries, various locations at the DeWitt Center, and on the web page.

- ***The recommendations require further analysis. The agenda of the Board of Supervisors is prepared and public notice of its availability is completed within the legal time frame. However, it may be possible to complete this process five days prior to the Board meeting, two days earlier than required by law. The County Executive Officer will work with and consult the Administrative Officer to the Board of Supervisors to discuss the possibility of producing an agenda earlier than the current practice. The results of this analysis will be completed within six months from the date of this response.***
- ***The recommendation to distribute the agenda and backup materials at additional locations in the County and electronically through the County's web site will be implemented in the future. Copies of the agenda will be available at the Roseville and Auburn Libraries. In***

addition, copies of the agenda with backup materials will be available on the web site. These actions will occur within one year or sooner from the date of this response.

Finding 3

Citizens need a simple and informative brochure describing the process of how our County Government works.

➤ ***The County Executive Officer agrees with the finding.***

Recommendation 3

The Placer County Office of Public Information should develop a brochure or booklet for the general public, which describes Placer County Government processes and how the public can obtain the information it needs to participate actively in Placer County Government.

➤ ***The recommendation has not yet been implemented but it will be implemented in the future. The County Executive Officer will direct the Public Information Officer to review the current County information brochure and determine changes necessary to include information in it about how the public may participate in Placer County Government. The review and recommendation of the Public Information Officer will be completed within six months of the date of this response.***

Respondents

Placer County Board of Supervisors
County Executive Office
Public Information Office

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge of the Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

PLACER COUNTY BOARD OF SUPERVISORS

Revenue Sharing

Background

Revenue Sharing was originally a federal program initiated in 1972-1973 to distribute money to local governments. The original program was a Federal Block Grant with virtually no strings attached to the use of the funds, so long as they were allocated for *public projects*.

The majority of the federal funds were allocated each year for general County road resurfacing, County facility construction projects, major equipment purchases and other onetime funding needs. Placer County supervisors generally used the funds to resurface County roads through the Department of Public Works.

The County also used the Human Relations Commission (now Community Services Commission) to set aside and prioritize the use of some of the Revenue Sharing Funds for social service community organizations.

The Federal Block Grant funding program was discontinued in September 1986. The Placer County Supervisors chose to continue the practice of Revenue Sharing with General Fund dollars in the amount of \$50,000 annually. The funds were allocated as \$10,000 per district for each supervisor to distribute at his or her discretion. In 1999, the supervisors increased the Revenue Sharing amount to \$100,000 total, or \$20,000 annually per supervisorial district.

Discussion

The Grand Jury, in its capacity as ombudsman for citizens of the County, reviewed the "Revenue Sharing" program as it exists today. The Grand Jury reviewed requests for revenue sharing funds documented in the complete Placer County Board of Supervisors Agenda Packets and interviewed County employees. As a result of its investigation, the Grand Jury learned the following:

- The fund originally came from a Federal Block Grant for *public projects*;
- The original intent to disburse the Federal funds for *public projects* has evolved into County General Fund money being distributed by individual supervisors at their discretion to a variety of organizations;
- The availability of Revenue Sharing funds is not published in County documents;
- There are no written guidelines for the selection of recipients;

- The supervisors doubled the amount of money available to Revenue Sharing from the General Fund in 1999.

The supervisors review requests, generally from their district, and designate which to honor. The recipient's name, along with a brief description of the request, the amount of money to be donated, and the supervisor's name, is placed on the Board of Supervisors Consent Agenda under the title "Revenue Sharing" for approval under a blanket motion. Unless the general public has access to the complete agenda packet, the details of the request and the levels of sponsorship/name recognition available to donors are unknown.

The requests come from a broad range of groups. Many organizations offer incentives to donors for different levels of sponsorship. As the level of sponsorship/donation increases, recognition to the donor often increases. Examples of incentives offered to all potential donors, based on amount donated, included booth sponsorships, tickets to the event, name recognition in programs, thank-you advertisements in newspapers, banners, event advertising, and signs at the event.

Finding 1

The requests for revenue sharing come from a broad range of groups, many of which may be appropriate, but some requests appear to have questionable value to the majority of County taxpayers.

- ***The Board of Supervisors disagrees with the finding. Approved expenditures of revenue sharing funds are used for public projects, community events, and for local non-profit organizations. All such expenditures provide a public benefit to County taxpayers and improve the health, welfare, and cultural opportunities within the community. For example, for the period from January 2002 to June 2002, some of the revenue sharing expenditures were approved for the preservation and support of trails, and for an arboretum of native plants, trees, and shrubs to preserve and improve the environment of the County and for enjoyment by its citizens. Expenditures were also approved for important social programs for youth, their families, and older citizens. Specifically, expenditures were approved for direct assistance to victims of domestic violence and their families, for the production of a guide of services to seniors of the County, support for music education and training for young students, and for special events and activities designed to protect older students from the effects and consequences of drug and alcohol abuse. These important projects and activities improve the physical environment of the County and the level of social services for those in need. The result is a better quality of life and environment that has value and benefit to all taxpayers of the County.***

Recommendation 1

Supervisors should consider following the original intent of the Federal grant which was to benefit taxpayers through *public projects* since the money is from County General Funds.

- *The recommendation has been implemented. As indicated in the Board of Supervisors' response to the Finding 1 above, revenue sharing expenditures are approved for a number of public projects, including trails and construction of an arboretum of native plants, trees, and shrubs to improve the environment. Requests for revenue sharing expenditures for important social and cultural projects and activities will also be considered by the Board of Supervisors. These programs also provide value and benefit to the taxpayers of the County.*

Finding 2.

When the supervisor's name appears as an event sponsor, the general public could be misled into believing that the donation of General Fund money to the event is a personal gift from the supervisor.

- *The Board of Supervisors agrees with the finding that it is possible the public may assume that a County supervisor is contributing as a personal donor during an event, activity, or for the dedication of a public project.*

Recommendation 2

Recognition for the donation of County funds should note that the gift is from the Placer County Board of Supervisors on behalf of the taxpayers of Placer County and should not include the individual supervisor's name.

- *The recommendation has not yet been implemented but it will be implemented in the future. The Administrative Officer to the Board of Supervisors will develop a procedure to clarify the source of expenditures when delivering revenue sharing checks to approved groups. However, members of the Grand Jury should be aware that County supervisors' names appear, and will continue to appear, on the official agenda of the Board of Supervisors, along with the funding request for revenue sharing expenditures for the internal purpose of tracking and monitoring expenditure balances. It is also important to note that the actual checks used to distribute approved revenue sharing expenditures do not include the names of any County supervisor. This procedure and protocol will be implemented within 120 days from the date of this response.*

Finding 3

The availability of Revenue Sharing Funds is not published in County materials.

- *The Board of Supervisors agrees with the finding that the availability of specific expenditures for Revenue Sharing Funds is not published in County materials. However, it should be noted that the amount of such funds is published in the adopted County Budget document.*

Recommendation 3

The County should publish the availability of the funds through written materials and the web site, describing who is eligible and how to apply for the funds.

- *The County web site will be changed to indicate that \$20,000 per district is available for projects submitted by non-profit groups and community organizations. The web site will direct the public to contact the Board of Supervisors' office for current funding balance information.*

Finding 4

There are no written guidelines for distributing the funds. Individual supervisors have developed their own criteria for approving requests, and basically have \$20,000 per year to distribute at their discretion.

- *The Board of Supervisors partially agrees with the finding. Funding requests require the approval by the entire Board of Supervisors. Individual Board members do not have the authority and require full Board approval for revenue sharing requests.*

Recommendation 4

Written guidelines should be established to clearly define who is eligible to receive the funds and the standards to be followed by all supervisors in distributing the funds.

- *The recommendation has not yet been implemented but it will be implemented in the future. The Administrative Officer to the Board of Supervisors will develop written guidelines that identify criteria for revenue sharing funding within 120 days from the date of this response. Formal requests for funding should be received from non-profit and community organizations that demonstrate a need for public funding and indicate how the revenue sharing funds are to be used. All requests will be reviewed pursuant to established guidelines. The Auditor will continue to distribute the funds after Board of Supervisors' approval.*

Respondent

Board of Supervisors

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Courthouse
101 Maple Street
Auburn, CA 95603

PLACER COUNTY JUVENILE DETENTION CENTER

Background

California Penal Code §925 authorizes the Grand Jury to investigate and report on the operations of the officers, departments, or functions of the County, including the Juvenile Detention Center.

The Grand Jury is pleased to note that Placer County operates a modern facility to house juvenile delinquents in a detention center with significant additional capacity to meet the needs of a fast growing youth population in the County. The facility, which opened in March 2000, meets all state and federal requirements related to the physical aspects of juvenile detention facilities, including the Americans with Disabilities Act (ADA).

The 2001-2002 Grand Jury inspected the facility in February 2002 and again in March 2002. The facility appeared clean and the detainees were dressed in clean, neat clothes. The facility can house up to 76 detainees and usually averages 40 to 50. At the time of the second visit, four new detainees were processed, bringing the count to 64. Staff was cordial, friendly, and seemed eager to do a good job. It should be noted that at the time of this year's inspections, the Probation Department, which is in charge of the Juvenile Detention Center, has been without a Chief Probation Officer since December 2001.

Discussion

The Probation Manager of the Juvenile Detention Center provided a tour of the facility to the Grand Jury on February 13. In addition, members of the Grand Jury visited the facility again on March 11, 2002 to interview staff and detainees. Members of the Grand Jury spoke to four detainees who had been in custody from one to eight months.

The 2001-2002 Grand Jury is concerned that some recommendations made by the 2000-2001 Grand Jury have not been addressed. Overall, staffing levels meet the minimum requirements of California Code of Regulations Title 15. However, there are times when staff levels are not adequate to ensure complete coverage of the facility's needs and to provide proper supervision to both male and female minors in some situations. For example, when a female officer is not available to supervise female detainees, two male officers are required to supervise.

In response to this finding of the previous Grand Jury, the County hired a consultant to perform an independent review of the operations of the Juvenile Detention Facility. Also, the Chief Probation Officer was directed to conduct a staffing study of the Juvenile Detention Center and submit a written report to include findings and

recommendations to the County Executive Officer. These reports are being completed, and no action has been taken at this time.

Last year's Grand Jury found that staff requested the use of pepper spray as a defensive tool. Although signs posted in the facility stated that staff carried pepper spray, in reality all staff had not completed training and had not been authorized to carry pepper spray.

A policy manual which defines procedure to be followed is available to staff. Staff appears to have a basic understanding that policies exist, but there is a lack of consistency implementing these policies and procedures.

The detainees no longer receive counseling from a Health and Human Services counselor, and detainees do not receive professional help in areas such as anger management, substance abuse, suicide prevention, and social skills.

Finding 1

The Probation Department, which supervises the Juvenile Detention Center, has been without a Chief Probation Officer since December 2001.

- ***The Board of Supervisors and the County Executive Officer agree with the finding.***

Recommendation 1

The County should fill this vacancy as quickly as possible.

- ***The recommendation has been implemented; the position has been filled.***

Finding 2

Although staffing may meet minimum requirements of California Code of Regulations Crime Prevention and Corrections, staffing is inadequate to ensure complete coverage of the facility's needs at all times and to provide proper supervision to male and female minors in some situations. See attachment (Title 15, Sections 1320 and 1321(c) & (e)).

- ***The Board of Supervisors and the County Executive Officer disagree partially with the finding. The staffing resources of the Juvenile Detention Facility meet all legal requirements to provide proper supervision of minors. There may have been infrequent situations of short duration where additional staff has been called to provide proper staffing ratios for detained female minors.***

Recommendation 2

Staffing levels should be re-evaluated for compliance with Title 15.

- *The recommendation has been implemented. As indicated in the attached response from the Acting Chief Probation Officer, additional senior level officers have been assigned to the Detention Facility to provide supervision during shifts and for intake and processing. The staffing level for the Detention Center will accommodate a juvenile population of 53 minors, a level that exceeds the normal daily population of between 40 to 50 minors. The staffing level will be adjusted as necessary as the population expands to the current capacity of 75 minors. In addition, a full-time position of Client Services Practitioner from the Children's System of Care of the Health and Human Services Department provides counseling, mental health, and suicide assessment services to the juvenile population of the Center.*

Finding 3

Training for the use of pepper spray is incomplete.

- *The Board of Supervisors and the County Executive Officer agree with the finding.*

Recommendation 3

Complete pepper spray training for staff as soon as possible.

- *The recommendation has not yet been implemented but it will be implemented in the future. All full time staff has received the proper training for use of the pepper spray, and training will continue for the more recently hired staff. The proper facilities required in conjunction with the spray have been installed and all the necessary equipment has been received. The required training of staff should be completed by the date of this response.*

Finding 4

A policy manual is available to staff defining procedures to be followed.

- *The Board of Supervisors and the County Executive Officer agree with the finding.*

Recommendation 4

Conduct workshops on a regular basis to ensure staff becomes familiar with policies to be followed.

- *The recommendation has been implemented. As indicated in the response of the Acting Chief Probation Officer, all staff receive a copy of the policy manual, and senior staff conduct monthly meetings with staff to review the policy, guidelines, rules, and practices outlined in the policy manual.*

Respondents

Placer County Board of Supervisors
Placer County Executive Officer
Placer County Juvenile Detention Center Director
Placer County Director of Health and Human Services

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Courthouse
101 Maple Street
Auburn, CA 95603

MASTER
AUG 22 2002

**MEMORANDUM
COUNTY OF PLACER
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

TO: Michael Paddock, Senior Management Analyst, CEO
FROM: Raymond J. Merz, Director
DATE: July 24, 2002
SUBJECT: Response to Grand Jury 2001-2002 Report
Placer County Juvenile Detention Center

AUG 22 2002

The following is the Department of Health and Human Services response to the Grand Jury Report on the Placer County Juvenile Detention Center for 2001-2002.

It should be noted that the Placer County Probation Department and Placer County Health and Human Services are separate departments and that Health and that Human Services has no authority or ability to implement the recommendations of the Grand Jury.

Finding 1

The Probation Department, which supervises the Juvenile Detention Center, has been without a Chief Probation Officer since December 2001.

Recommendation 1

The County should fill this vacancy as quickly as possible.

Response 1

We concur.

Finding 2

Although staffing may meet minimum requirements of California Code of Regulations Crime Prevention and Corrections, staffing is inadequate to ensure complete coverage of the facility's needs at all times and to provide proper supervision to male and female minors in some situations.

Recommendation 2

Staffing levels should be re-evaluated for compliance with Title 15.

Response to Placer County Grand Jury 2001-2002 Report
Placer County Juvenile Detention Center
Response by: Health and Human Services
July 24, 2002
Page Two

Response 2

We concur.

Finding 3

Training for use of pepper spray is incomplete.

Recommendation 3

Complete pepper spray training for staff as soon as possible.

Response 3

We always believe that proper training is important.

Finding 4

A policy manual is available to staff defining procedures to be followed.

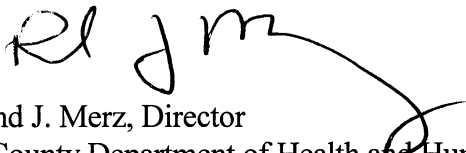
Recommendation 4

Conduct workshops on a regular basis to ensure staff becomes familiar with policies to be followed.

Response 4

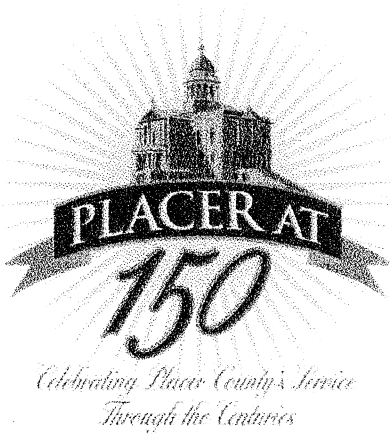
We concur.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R J Merz', with a long, sweeping underline that extends to the right.

Raymond J. Merz, Director
Placer County Department of Health and Human Services

RJM/kd



COUNTY OF PLACER

PROBATION DEPARTMENT

Jennifer Keck, ACTING CHIEF PROBATION OFFICER
David Peden, ACTING CHIEF PROBATION OFFICER

11564 C AVENUE, AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-7900
FAX: 530/889-7950
www.placer.ca.gov

Placer County Probation Department Responses to Final Grand Jury Report 2001/2002

Finding 1

The Probation Department, which supervises the Juvenile Detention Center, has been without a Chief Probation Officer since December 2001.

Recommendation 1

The County should fill this vacancy as quickly as possible.

Response 1

Agree. Further comment will be forthcoming from the office of the County Executive.

Finding 2

Although staffing may meet minimum requirements of California Code of Regulations Crime Prevention and Corrections, staffing is inadequate to ensure complete coverage of the facility's needs at all times and to provide proper supervision to male and female minors in some situations. See attachment (Title 15, Sections 1320 and 1321(c) & (e)).

Recommendation 2

Staffing levels should be re-evaluated for compliance with Title 15.

Response 2

Agree. Staffing levels have been re-evaluated. Five Senior Probation Officers have been assigned to the Juvenile Detention Facility to provide for 24-hour shift supervision. Additional staff have been added to compensate for removal of the senior from the children to staff supervision ratio. Two intake officer positions have also been added, to allow for more continual coverage on the units.

**Placer County Probation Department
Responses to Final Grand Jury Report 2001/2002**

**Page 2
Continued**

Our staffing pattern is designed for a detention facility population of 53. A higher population precipitates adding additional staff for coverage.

We plan to contact the Board of Corrections in the near future for assistance in developing an approved staffing pattern for up to 75 minors.

Finding 3

Training for the use of pepper spray is incomplete.

Recommendation 3

Complete pepper spray training for staff as soon as possible.

Response 3

Agree. Absent our most recent hires (1), all full time staff have been properly trained in the use of OC spray. Decontamination stations are now in place, and the balance of the necessary equipment has arrived. Once authorization cards are prepared for certified staff, the OC policy will be implemented.

Finding 4

A policy manual is available to staff defining procedures to be followed.


Recommendation 4

Conduct workshops on a regular basis to ensure staff becomes familiar with policies to be followed.

Response 4

A training guideline and checklist has been implemented to insure new staff are trained on and in accordance with the policy manual. All staff are issued a copy of the policy manual. Senior Probation Officers review policy sections with staff on an ongoing basis. Pertinent policy manual sections are also reviewed at general staff meetings (held on a monthly basis).

Respectfully submitted,


Jennifer Keck
Acting Chief Probation Officer

PLACER COUNTY PUBLIC WORKS DEPARTMENT EQUIPMENT USE POLICY

Complaint 2001A-O1

Background/Summary

The Grand Jury received and investigated a complaint alleging County Equipment was used for private and personal benefit in violation of existing County policy. Placer County Administrative Rules, Sec. 16.2(k) states "Private Use of Government Resources Prohibited - Employees and officials are prohibited from using county owned equipment, materials, records and other informational resources, and any other property for their private or personal benefit."

Discussion

The Grand Jury interviewed several county employees, including appointed officials and found that the violation, as stated in the complaint, was clearly confirmed by the interviews.

Subsequent to the report of violation the Department of Public Works, Road Maintenance Division, issued a memorandum to all Road Division Personnel that dealt with equipment usage. The Memorandum stated, "It has recently come to my attention that from time to time Road Division employees have used County equipment for their personal, private use. While not condoned, this practice has been ignored many times. A relatively harmless practice, but in fact this is not acceptable. From this point forward, all personal use of County equipment is prohibited unless specific authorization is granted in writing." The memorandum was prepared by a subordinate to the Department Head and was unsigned.

Based on Grand Jury interviews it is clear that Road Maintenance crews are not familiar with County Administrative Rules policies as should be required. Some long time employees interviewed had not heard them discussed since their initial hiring.

Finding 1

County policy is very specific in its wording. It says personal use of equipment is "prohibited". There is no provision in County Policy for exceptions to be made

under any circumstance. The memorandum states that this policy, even though not condoned, has been ignored many times.

- ***The County Executive Officer agrees with the finding. Chapter 16 of the Administrative Rules is the adopted Code of Ethics of the County. Section 16.2(K) prohibits the private use of County owned equipment, materials, records and other informational sources, and other property for private or personal benefit.***

Recommendation 1

The department should be guided by the Administrative Rules, as printed, and not ignore violations. The memorandum referred to in this report should be rescinded and reissued verbatim as written in the County Code. The Director of Public Works should sign the memorandum.

- ***The recommendation has not yet been implemented but it will be implemented in the future. As indicated in the attached response from the Director of the Public Works Department, a new memorandum signed by the Director will be sent to all employees of the department informing them of the provisions of the Administrative Rules that explicitly prohibit the use of County property for personal use and benefit.***

Finding 2

The memorandum states that personal use of equipment is a "relatively harmless practice". Interviews with County Officials confirm that it is indeed not a harmless practice and could, in the event of personal injury or damage to real property, place the County in a position of potential financial liability.

- ***The County Executive Officer agrees with the finding.***

Recommendation 2

Departmental Supervisory personnel must not attempt to interpret or take exception to The County Code of Rules. Any interpretations needed should be referred to County Executive Office.

- ***The recommendation has been implemented. As indicated in the attached response from the Director of Public Works, he affirms that any interpretation of the County Administrative Rules, including Chapter 16, is made by the County Executive Officer. The County Executive Officer may also consult County Counsel to clarify and to interpret the intent of the Administrative Rules as they affect the policies and daily operation of County government.***

Finding 3

The Department Head did not prepare the memorandum in question. It was prepared and issued by a subordinate.

- ***The County Executive Officer agrees with the finding.***

Recommendation 3

In matters of County policy, all instructions issued to employees should be approved and signed by the Department Head.

- ***The recommendation will not be implemented because it is not warranted. In general, it is good policy and practice to have the department head sign memoranda distributed to employees instructing and informing them about County policies, rules, and accepted practices. However, it is also appropriate within the organizational structure of departments to have executive level assistants, deputies, and managers sign and submit memoranda to their employees informing them of County policies, rules, and accepted practices as a delegated responsibility and authority. This is particularly true for many of the larger departments of the County, such as Public Works, that must function with delegated authority to accomplish its work and to remain efficient.***

Finding 4

Employees do not receive periodic review of Administrative Rules.

- *The County Executive Officer agrees with the finding.*

Recommendation 4

Supervisors holding regularly scheduled or impromptu meetings with employees should be trained in the meaning and intent of County Administrative Rules and include discussion of one of them at each meeting.

- *The recommendation has not yet been implemented, but it will be implemented in the future. As indicated in the attached response from the Director of Public Works, a departmental goal has been established to provide a systematic approach to informing and reviewing with employees County policies, rules, and practices on a regular basis. This method will be determined by the Director and implemented within 120 days from the date of this response.*

Respondents

Placer County Executive Officer
Placer County Public Works Director

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603



PLACER COUNTY DEPARTMENT OF PUBLIC WORKS

MASTER
AUG 22 2002

Tim Hackworth, Director
Ken Grehm, Assistant Director
Rick Dondro, Deputy Director
Wes Zicker, Deputy Director

July 18, 2002

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, CA 95603

Subject: **RESPONSE TO PLACER COUNTY GRAND JURY – FINAL REPORT 2001-2002**

Dear Judge Garbolino,

Finding 1

County policy is very specific in its wording. It says personal use of equipment is "prohibited". There is no provision in County Policy for exceptions to be made under any circumstance. The memorandum states that this policy, although not condoned, has been ignored many times.

Recommendation 1

The department should be guided by the Administrative Rules, as printed, and not ignore violations. The memorandum referred to in this report should be rescinded and reissued verbatim as written in the County Code. The Director of Public Works should sign the memorandum.

Response 1

The Department of Public Works (DPW) agrees that violations of the County Administrative Rules should not be ignored. Since the memorandum referred to was only sent to Road Division personnel and not department wide it is appropriate that a new memorandum be sent to all employees of the department including those who received the first memorandum. This memorandum will be sent to all employees within the department by the end of the current calendar year 2002 and will be signed by the director of the department.

Finding 2

The memorandum states that personal use of equipment is a "relatively harmless practice". Interviews with County Officials confirm that it is indeed not a harmless practice and could, in the event of personal injury or damage to real property, place the County in a position of potential financial liability.

Recommendation 2

Departmental Supervisory personnel must not attempt to interpret or take exception to The County Code of Rules. Any interpretations needed should be referred to County Executive Office.

Response 2 – The memorandum wording was intended to get a point across that personal use of equipment is not acceptable without unduly affecting morale by being harsh. There is no intention that the department will make exceptions to the County Code regarding use of County equipment for personal private benefit. DPW concurs that the Department Head and/or the County Executive Officer are the appropriate level to make County Code interpretations.

Finding 3

The Department Head did not prepare the memorandum in question. It was prepared and issued by a subordinate.

Recommendation 3

In matters of County policy, all instructions issued to employees should be approved and signed by the Department Head.

Response 3 – The incident in question and the subsequent memorandum was limited to the Road Division. Since this memorandum was intended for and distributed to just the Road Division personnel, this department believes that the division manager is the appropriate person to issue instructions to his/her division, while interpreting County Policy is the responsibility of the Department Head or County Executive Officer.

Finding 4

Employees do not receive periodic review of Administrative Rules.

Recommendation 4

Supervisors holding regularly scheduled or impromptu meetings with employees should be trained in the meaning and intent of County Administrative Rules and include discussion of one of them at each meeting.

Response 4 – It has been true that systematic review of the Administrative Rules have not been given to employees department wide. The department has set a goal to inform all employees of the Administrative Rules. Although the specific method to deliver this information has not been determined at this time, it may be appropriate to review these rules at the time of each employee's annual performance evaluation.

Summary

The Department of Public Works is dedicated to quality service to those we serve and we are strongly committed to maintaining public trust in all our actions.

Sincerely,

County of Placer
Department of Public Works



T.D. Hackworth, Director

cc: Jan Christofferson - CEO
Chron-TDH

klc-D:\DATA\TDH\02-066.DOC

BURTON CREEK (TAHOE) SHERIFF'S SUBSTATION, COURT FACILITIES AND JAIL INSPECTION

Final Report I and Responses

California Penal Code Section 919 requires the Grand Jury to inspect Placer County Main and Minimum Security Jails to evaluate conditions and management of these facilities, to inquire about prisoners not indicted and to review any changes implemented since the previous Grand Jury's inspection.

Background

Members of the 2001-2002 Placer County Grand Jury visited Placer County's Burton Creek facility east of Tahoe City September 27, 2001, and October 29, 2001, and were appalled at continuing safety and liability issues that jeopardize human life and the financial stability of the county. This 2-story wood-frame building, constructed in 1959, houses a sheriff's substation, jail, court facilities, court clerk's office and deputy district attorney's office, with more than 50 employees.

While commendation is due for some changes, such as a fire alarm system and overnight housing of prisoners in Nevada County's jail facility nearby, the Grand Jury noted continuing serious safety concerns. Many of the following problems have been cited in Grand Jury reports for more than 10 years:

- The existing building layout requires prisoners to be escorted from the jail to the courtroom via a public entrance, a potential danger to employees, witnesses, victims, members of the general public, and the prisoners themselves.
- The building is constructed of wood, yet lacks a fire suppression system in high-risk areas, a potential hazard to workers, prisoners, and visitors.
- The building lacks an external fire escape from the second floor, a serious fire safety hazard for all who work or visit there.
- The building lacks a fire-resistant door at the second floor stairwell adjacent to the dispatch center. Any fire might, therefore, spread rapidly between floors with the stairwell serving as an oxygen-rich conduit.
- The North Tahoe Fire Department does not have key or other access to the building when it is unoccupied. Should an internal fire originate during such times, the Fire Department would need to breach alarmed security doors or

windows to engage the blaze, potentially delaying fire control, which could result in greater risk to personnel and property.

Numerous past Placer County Grand Juries have criticized many of the safety deficiencies noted above. The North Tahoe Fire District Division Chief has consistently supported Grand Jury fire safety findings. As a consequence, the County has made a number of structural, cosmetic, and safety improvements over the years. The County also committed to construct a safety corridor between the jail and the courtroom. Construction has not been started as of this date. Consequently, the potential danger to human life continues.

Summary*

The Grand Jury believes that implementation of its safety and security improvement recommendations will:

- a. serve the county and its employee, citizen and taxpayer interests by significantly reducing fire safety risks;
- b. provide better security for intra-facility transfer of prisoners;
- c. extend the useful life of the facility; and
- d. reduce the county's, and therefore the taxpayers' exposure to catastrophic liability claims in the event of fire, accident or other significant injury at the Burton Creek facility.

WE FEEL PROMPT CORRECTIVE ACTION IS ESSENTIAL!!

Discussion

For the past several years, Placer County Grand Juries have recommended that the Burton Creek facility be replaced in its entirety. The County generally has agreed, but has estimated that the total facility replacement cost would exceed \$11 million and that a source of funds in such magnitude has not been identified. It is also apparent that there are other important criminal justice facility improvement needs. The County Facility Services Director has pointed out that many County buildings are in excess of 50 years old and are in need of rehabilitation or replacement.

We recognize that all capital projects are in competition for available funds. Therefore the Grand Jury is recommending only that the five safety and security concerns previously identified be addressed immediately, leaving facility

** In writing this report we have, when appropriate, incorporated many words and descriptive phrases contained in earlier Grand Jury reports. We thank those earlier Grand Juries for their enduring descriptive skills.*

replacement or major rehabilitation to a longer-term analysis and prioritization of countywide facility improvement needs.

Cost estimates from the Facility Services Department for some of the recommendations are:

<u>Safety Corridor</u>	\$65,000	Currently budgeted, but not yet implemented
<u>Exterior Fire escape</u>	\$25,900	Exit planned from second floor Dispatch Center area
<u>Fire Suppression System</u>	\$50,100	Intended to suppress fires that start in three specifically identified high-risk areas of the facility
<u>Second Floor Automatic Release fire-resistant Door</u>	\$ 2,500	Cost estimate not confirmed by Facilities Department
<u>Lock Box Key Access For Fire Department</u>	\$ 500	Cost estimate not confirmed by Facilities Department

The Grand Jury believes that prompt implementation of the safety improvements detailed here will remedy adequately the safety and security deficiencies that have persisted for many years. The Grand Jury further believes that implementation of its recommendations will extend the useful life of the Burton Creek facility for a substantial period of time, thus providing the county with significantly more flexibility in establishing priorities for capital improvement projects.

Finally, because fire and safety deficiencies have been cited for many years, all a matter of public record, the Grand Jury feels that Placer County is at significant insurance liability risk should anyone be injured or killed as a proximate result of a reasonably correctable, but uncorrected, safety condition. Since taxpayers are the ultimate underwriters of county liability loss, this issue is considered to be compelling.

Finding 1

The Burton Creek facility lacks a secure passageway between the jail and courtroom, thus exposing staff, the public and prisoners to unnecessary safety risks.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
Concur with finding that the Burton Creek facility lacks a secure passageway.

Recommendation 1

Build the safety corridor authorized in the County's 2000-2001 budget, and carried over to fiscal year 2001-2002. If alternative audiovisual or other corrective measures are preferred, implement them within the current fiscal year.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

The construction of a safety corridor to move prisoners from holding cells into the courtroom will be completed by October 2002. Funding for this project is contained in the FY 2001-02 County Budget and such funds will be carried forward into FY 2002-03 to complete the project. The County Risk Manager and the Director of Facility Services also concurs with the recommendation. A copy of their response is also attached to this response. It should also be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the County Executive Officer to complete construction of the safety corridor and this action was communicated to the Grand Jury. A copy of this memorandum is attached to this response.

- County Facility Services Director
Concur with recommendation to proceed with construction of new safety corridor.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 2

Employees who work on the second floor of the facility, and visitors to this area, are at significant risk in the event of fire emergency. Interior stairways are narrow, steep and may not be accessible, depending on where within the structure a fire may originate or spread.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer disagree partially with the finding. Although there is some risk related to fire exposure within the building due to its age and configuration, the smoke and fire detection system is adequate to allow staff and other occupants to safely exit the building when necessary. It should also be noted that there is no safety or legal requirement to install an exterior escape.
- County Facility Services Director
I am not qualified to determine degree of risk as claimed above.

Recommendation 2

Add a second story external fire escape accessible to the Dispatch Center and other second floor occupants and visitors.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

An external fire escape from the second story level of the building to ground level will be installed to add an extra margin of safety for staff and other occupants of the building. The installation will be completed not later than October 2003. The estimated cost for the purchase and installation of the external fire escape is \$26,000 and this amount will be included in the FY 2002-03 Final Budget as recommended by the County Executive Officer. The responses of the County Risk Manager and the Director of Facility Services are also attached to this response. It should be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the County Executive Officer to install the external fire escape and this decision was also communicated to the Grand Jury. A copy of this memorandum is attached to this response. As a final note, to ensure the safe operation of the fire escape, the County Risk Manager will be directed to conduct appropriate training for staff.

- County Facility Services Director
Facility Service will construct external fire escape if directed/authorized to do so by either the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 3

Defined areas of the facility are particularly susceptible to fire hazard. Among these are:

- the Electrical Equipment/Radio Room (electrical fire);
- the kitchen area (gas and electrical appliances); and
- the Evidence Room (volatile chemical storage).

Each area can be protected independently by installing a suitable fire suppression system, further protecting adjacent areas.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
I am not qualified to determine level of susceptibility to fire hazard.

Recommendation 3

Install suitable fire suppression systems in each of the above designated "at risk" areas.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

The construction and installation of an appropriate and effective dry fire suppression system for each of the areas identified as at risk will be completed in FY 2002-03. The estimated cost for the overall system is approximately \$50,000 and this amount is included as a recommended expenditure of the FY 2002-03 County Budget. The responses of the County Risk Manager and the Director of Facility Services are also attached to this response. It should be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the

County Executive Officer to construct and install a fire suppression system in FY 2002-03 and this decision was communicated to the Grand Jury. A copy of this memorandum is attached to this response.

- County Facility Services Director
Facility Services will install suitable fire suppression system if directed/authorized by either the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 4

There is no fire barrier door at the stairwell intersection between the first and second floors. The absence of a suitable barrier could result in a fire spreading more rapidly and more widely throughout the facility.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer disagree partially with the finding. Although there is no fire barrier door at the location indicated the installation of such a door may also create an unintended safety risk in the event of a fire in the building. As indicated in the attached response from the County Risk Manager, without a landing in conjunction with the fire barrier door bottlenecks may be created as individuals attempt to exit the building in an emergency.
- County Facility Services Director
This statement is correct that there is no fire barrier door as indicated. It should be noted that there is no code requirement for such door.

Recommendation 4

Install an "automatic release" fire door at the top of the stairwell in front of the Dispatch Center, in accordance with the District Fire Chief's recommendation. (See Attachment 1.)

Responses

- County Board of Supervisors and County Executive Officer
The recommendation will not be implemented because it is not necessary given the existing fire prevention safety measures including a sophisticated fire and smoke detection system and a reliable evacuation plan. In addition, according to the County Risk Manager the installation of such a fire barrier door could create unintended safety risks in the way of bottlenecks as

individuals attempt to exit the building in an emergency. A copy of the response of the County Risk Manager and the Director of Facility Services is also attached to this response.

- County Facility Services Director
Facility Services will install such a door if directed/authorized by the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 5

The North Tahoe Fire Department has no keys and cannot enter the Burton Creek facility when it is unoccupied. Should a fire occur during one of these periods, the Fire Department would have to breach security doors or windows to gain access, thus delaying fire fighting action.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
It is Facility Services understanding that there is always staff at the facility, either dispatch or deputies.

Recommendation 5

Provide 24-hour facility access to the Fire Department by installing key lock boxes in strategic locations, or develop some other suitably secure arrangement agreeable to the Sheriff's Department and the District Fire Chief.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has been implemented.

As indicated in the attached memorandum from the County Risk Manager a lock box containing a key to enter the building to respond to emergencies including fire has been installed. This installation will provide access to the building at any hour and day for emergency personnel.

- **County Facility Services Director**
Given the primary use of this building for Sheriff Operations, Facility Services recommends that a suitable secure arrangement be made between the Sheriff's Department and the Fire Chief.
- **County Sheriff/Coroner**
Concur. North Tahoe Substation commander is working with the fire department on procedures to implement the Grand Jury recommendation.

Commendation

The Grand Jury would like to take special note of the support and encouragement of diverse County agencies in its gathering of facts and background information to determine findings and recommendations. Based upon the presumption that adequate funding required for the recommended improvements (estimated at less than \$150,000) will be made available by the County Executive Office, the Grand Jury received encouragement and supportive comments from the following organizations and individuals:

- Burton Creek Station Commander
- County Sheriff/Coroner
- North Tahoe Fire District Division Chief
- County Safety Director
- County Director of Risk Management
- Placer County Supervisor, District 5

In addition to endorsing the Grand Jury's recommendations for an external fire escape and an interior fire suppression system in high-risk areas, the North Tahoe Fire District Division Chief suggested the addition of a fire resistant door at the stairwell entrance and provision of 24-hour key access to the facility. The Grand Jury supports those suggestions and has incorporated them in its list of recommended safety improvement priorities.

Respondents

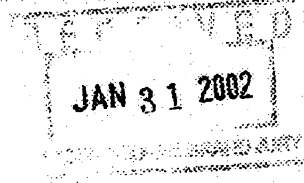
County Board of Supervisors
County Executive Office
County Facility Services Director
County Sheriff/Coroner
North Tahoe Fire District Division Chief
County Risk Management Division

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603

NORTH TAHOE FIRE PROTECTION DISTRICT**DUANE WHITELAW, Chief**

P.O. Box 5879
300 North Lake Boulevard
Tahoe City, CA 96145
(530) 583-6930
Fax (530) 583-6909



Date : January 17, 2002

Fred Copeland
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Dear Fred Copeland:

Thank you for the opportunity to meet with you and other Jury members on Tuesday January 22nd. As discussed, there are a few remaining fire and life safety improvements to be accomplished at the Placer County facility at Burton Creek. The following re-caps our discussion on January 22nd.

Overview:

As stated earlier the building doesn't meet current standards for fire protection, specifically, no automatic sprinkler system. However in the last few years there have been significant improvements to the building to enhance early detection and safety. This includes but is not limited to a fire alarm and detection system. Prevention, early detection, acceptable evacuation routes and suppression systems should continue and be improved as funding allows. Though the building has no sprinkler system, prevention and early detection coupled with known and practiced evacuation routes should prevent injury or loss of life to occupants. It should be noted that the structure itself is at risk of catastrophic loss should a fire occur. The building has insufficient occupancy separations and is primarily wood frame construction. A fire start without immediate or automatic intervention will become deep seated and cause significant damage or total loss.

Current and practical improvements needed:

- #1 An emergency exit needs to be installed for the dispatch office.
- #2 Install a self closing door at the top of the stairs with panic hardware (in front of dispatch).
- #3 Install automatic extinguishing systems in the kitchen, radio room and evidence room.
- #4 After hours access for North Tahoe Fire Protection District.

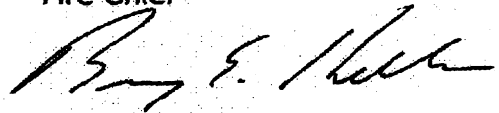
ATTACHMENT 1, PAGE 1

Conclusion:

I believe a fire in the building would spread rapidly through the old construction. If the building is not going to be replaced, then I recommend the building be retrofit with a total fire sprinkler system in addition to the above fore mentioned items.

Thank you for the opportunity to comment, for communication pertaining to the fire requirements for this facility, contact Bryce E. Keller, Division Chief at (530) 583-6930.

DUANE WHITELAW
Fire Chief



BRYCE E. KELLER
Division Chief,
Fire and Life Safety

Cc:
Kent Hawthorne
Virginia Ferral

ATTACHMENT 1, PAGE 2

Bryce Keller

From: Bryce Keller [keller@ntfire.net]
Sent: Monday, January 21, 2002 1:30 PM
To: Jim Martinson (jmartins@placer.ca.gov)
Cc: Kent Hawthorne; Hook, Steve; Virginia Ferral (vferral@placer.ca.gov), 'Kelly Hernandez (E-mail)'
Subject: Burton Creek Facility

Jim,

As discussed today on the phone, Steve Hook will bring by some information relative to knox boxes. Please take the time to discuss alternatives.

As I recall below are a few other items that need follow up:
Can you check with Facility Services to find out the status?

1. Emergency exit for the dispatchers.
2. Extinguishing system for the kitchen, radio room, *etc.*
3. Self closing door at top of stairs. In front of dispatch
4. After hours access for FPD, Steve Hook will discuss options with you

Bryce E. Keller
Division Chief
North Tahoe Fire Protection District
(530) 583-6911

ATTACHMENT 2

From: Rob Unholz
To: Tom Miller
Date: 1/7/02 10:59AM
Subject: Burton Creek Improvements

Tom-

Although the existing Burton Creek Facility complies with applicable fire/life/safety codes, the following estimated costs are provided as requested by the Grand Jury:

Fire Suppression

Radio Equipment Room: \$21,280

Installation of an FM200 system including connections to the existing Notifier AFP2000 Panel, project management and contingency.

Evidence Room (Hazardous Materials Storage): \$22,820

Installation of an FM200 system including connections to the existing Notifier AFP2000 Panel, project management and contingency.

Kitchen Range Hood: \$6,000

Installation of an Ansul system connected to the existing Notifier panel, including an electrical gas valve, new electrical circuit, project management and contingency.

Exiting

Dispatch Fire Escape \$25,900

Reconfiguration of the dispatch console including relocation of electrical circuits and communications cabling, removal of existing window, installation of replacement door and landing platform to access new retractable fire escape, project management and contingency.

CC: Kurt Barton; Mary Dietrich

ATTACHMENT 3

Memorandum

To: Mike Paddock, CEO- Administration
CC: Mike Boyle, Deputy CEO, Robert Bendorf, Assistant CEO
From: John Sweikar, Risk Management Administrator
Date: 05/21/02
Re: Grand Jury Report

Mike,

This is response to your request for a response to the Grand Jury Report regarding the Burton Creek Facility.

FINDING 1

Agree

This recommendation is a good safety fix for moving inmates from the jail to the courtroom. It will enhance the security in the area. There was an effort to do video arraignment in attempt to avoid this expense but that fell apart due to complications with the court system.

Facility Services advises this recommendation will be completed in this construction year.

FINDING 2

Agree

Although there are no legal requirements for an external fire escape, one is to be erected this construction year. There is some safety concern over load bearing capacity of the fire escape. This may in is self may cause some concern for liability should a number of employees attempt to use it at the same time. Employees will need to train regularly to be proficient in its proper use.

FINDING 3

Partially Disagree

Although there are no legal requirements to install an enhanced fire suppression system in the Kitchen, Electrical Equipment Room and the Evidence Room this will certainly create another level of protection at the facility. We are informed that Facility Services intends to implement the changes in the 2002-2003 construction year.

FINDING 4

ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 1 OF 4

May 21, 2002

Disagree

The installation of automatic fire doors at the top of stairwells may cause a safety concern in its own right. Doors at the top of stairwells with out landing often become bottlenecks for people attempting to flee a fire situation or those attempting to enter a structure. With the present Fire Alarm System that was recently installed there should be adequate notice for those in the structure to evacuate.

FINDING 5

Agree

The Sheriff Department has agreed to install a lock box that will allow access for the fire department to the facility.

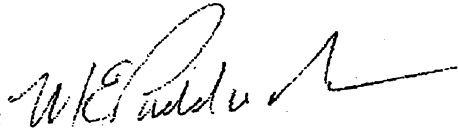
ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE

PAGE 2 OF 4

*MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER*

To: Mike Boyle, Deputy County Executive Officer

From: Michael E. Paddock, Senior Management Analyst



Date: March 27, 2002

Subject: Burton Creek Facilities - Improvements

On January 16, 2002 Pete Sarellana, Deputy County Executive Officer submitted a memorandum to this Office regarding the condition of the Burton Creek Facility in Tahoe and various recommendations to improve these conditions. A copy of the memorandum is attached for your review and information. As indicated in his memorandum, members of the Grand Jury are concerned about the Facility and have made specific recommendations to improve the level of safety in the building. Specifically, the Grand Jury would like to see the construction of a corridor between the court and the jail to allow separation of prisoners and the public during court proceedings. They also request consideration of an external fire escape from the second floor of the facility to the ground level and installation of a fire suppression system for the kitchen area and the equipment and radio room of the building.

We have reviewed the memorandum submitted by Pete and have also discussed this matter with the Sheriff, the Facility Services Director and members of the Grand Jury. We concur with the recommendations contained in the memorandum and have also approved the recommendations of the Facility Services Director to complete construction and installation of the recommended improvements over two construction seasons beginning FY 2001-02. Construction of the corridor and the external fire escape will be scheduled for the current construction season that begins in May and will continue into October. Both projects are currently funded within the Capital Projects Budget of the Facility Services Department. The installation of the fire suppression system will occur in the following construction season and after the final design is completed. Funding for this project will be included in the Sheriff's recommended budget for FY 2002-03. We are pleased with the recommendations of the Facility Services Director and also wish to commend his staff for providing reasonable and cost-effective solutions to improve the level of safety in the facility.

We also intend to follow up with the Grand Jury to make them aware of the recommended action and time frames for completing these projects. If you have any questions or wish to discuss this matter in more detail please call me at 4038 or by e-mail.

Attachment

Cc Jan M. Christofferson, County Executive Officer
Robert Bendorf, Assistant County Executive Officer
Edward Bonner, Sheriff
Tom Miller, Director, Facility Services

**ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 3 OF 4**

From: John Sweikar
To: Michael Paddock
Date: 5/3/02 11:00AM
Subject: Burton-Creek

Mike,

As an update to my report on this facility, I did an inspection yesterday and found that a lock box has been installed that allows the Fire Dept. access to the building should a fire emergency arise.

ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 4 OF 4